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International Court of Justice

H1221-0002

IN THE

INTERNATIONAL MILITARY TRIBUNAL

TRIAL BRIEF

DIE GEHEIME STAATSPOLIZEI
(commonly known as the GESTAPO)

AND

DIE SICHERHEITSDIENST
(commonly known as the SD)

For Robert H. Jackson
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20 November 1945

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H1221-0003

I N D E X

	Page No.
OUTLINE	i-iii
Numerical List of Documents	iv-ix
Documents relating to Individual Defendants . . .	ix(a)
Sections of the Indictment. . . . . Count One, IV (D) 3 (b) Count One, IV (H) Appendix B (The GESTAPO) Appendix B (The SD)	x
Legal References. . . . . Charter of International Tribunal Section II, Article 9	x
Table of Abbreviations.	xi
Introduction.	xii
STATEMENT OF EVIDENCE	1-65
I. Development of the GESTAPO and the SD .	1-6
A. Development of the GESTAPO.	1
B. Development of the SD	3
C. Consolidation of the GESTAPO and the SD.	4
II. Organization of the GESTAPO and the SD.	7-12
A. Development of the GESTAPO (Amt IV of the RSHA).	7
B. Organization of the SD (Amt III of the RSHA)	9
C. Combined Organization of the GESTAPO and SD.	10
III. Place of the GESTAPO and SD in the Conspiracy.	13-20
A. Tasks and Methods of the GESTAPO. .	13
B. Tasks and Methods of the SD	17
C. The place of the GESTAPO and the SD in the Conspiracy	19
IV. Criminal Responsibility of the GESTAPO and the SD.	21-22
V. Crimes of the GESTAPO and SD against the Peace	23-24
VI. War Crimes of the GESTAPO and the SD. .	25-58
A. The GESTAPO and SD carried out mass murders of hundreds of thousands of civilians of occupied countries as a part of the Nazi program to exterminate political and racial undesirables ("Einsatz Groups") . . .	25

Page No.

B. The GESTAPO and SD stationed special units in prisoner of war camps for the purpose of screening out racial and political undesirables and executing them. 42

C. The GESTAPO and SD took recaptured prisoners of war to concentration camps and in some cases executed them. ("Bullet Decree"). 45

D. The GESTAPO and SD were responsible for establishing and classifying concentration camps, and for committing racial and political undesirables to concentration and annihilation camps for slave labor and mass murder. 47

E. The GESTAPO and the SD participated in the deportation of citizens of occupied countries for forced labor and handled disciplining of forced labor 51

F. The GESTAPO and SD executed captured commandos and pa ratroopers, and protected civilians who lynched Allied flyers. 52

G. The GESTAPO and SD took civilians of occupied countries to Germany for secret trial and punishment (Nacht und Nebel Erlass) 54

H. The GESTAPO and SD arrested, tried, and punished citizens of occupied territories under special criminal procedure and by summary methods. . 55

I. The GESTAPO and SD executed or confined persons in concentration camps for crimes allegedly committed by their relatives. 56

J. The GESTAPO and SD were instructed to murder prisoners in the SIPO and SD prisons to prevent their release by the Allied armies. 56

K. The GESTAPO and the SD participated in the seizure and spoliation of public and private property 57

L. The GESTAPO and the SD conducted third degree interrogations 57

VII. Crimes of the GESTAPO and SD against Humanity. 59-65

A. The GESTAPO and the SD were primary agencies for the persecution of the Jews. 59

H1221 -0004

Page No.

B. The GESTAPO and the SD were primary agencies for the persecution of the Churches. 63

ARGUMENT AND CONCLUSION 66-69

EXHIBITS:

A. Chart showing position of GESTAPO and SD in the German Police System. . . . . Opposite p. 7

B. Chart showing execution of Jews in Baltic Area . . . . . Opposite p. 31

H1221 - 0005

H1221 - 0006

NUMERICAL LIST OF DOCUMENTS

DOC. NO.	DESCRIPTION	PAGE NO.
D-46	Copy of order designating Herzogenbosch as concentration camp, 13 March 1943	47
D-50	Photostat of order establishing concentration camps at Lublin, 9 April 1943.	47
D-183	Order of Gestapo Office, Darmstadt, 7 Dec. 1938.	19
L-18	Report from Lt. General of Police to General of Police KRUEGER on solution of Jewish problem in Galicia, 30 June 1943 . .	62
L-37	Original letter of the commander SIPO and SD, Radom, 19 July 1944	56
L-41	Copy of MUELLER's order of 23 March 1943. .	50
L-51	Affidavit of Adolf ZUTTER, 2 August 1945. .	53
L-53	Letter from Kommandeur, SIPO and SD, Radom, 21 July 1944.	57
L-61	Original letter signed by Fritz SAUCKEL, 26 November 1942.	51
L-89	Top secret letter issued by the Kommandeur of the SIPO and SD, District Radom, 24 Feb. 1944.	58
L-90	Decrees of 7 December 1941 and 12 December 1941 signed by KEITEL	54
L-152	Copies of RSHA order re fraternization of Jews and Aryans, 3 November 1941.	60
L-167	Copies of orders of the Reichsminister of the Interior re use of public transportation by Jews, 24 March 1942	60
L-180	Original report of STAHLECKER, Chief of Einsatz Group A, 15 October 1941.	29, 30
L-185	Organization plan of the RSHA, 1 January 1941.	11, 59, 63
L-215	File of original orders and dossiers of 25 Luxembourgers committed to concentration camps at various times in 1944.	49, 56
L-217	Order of Secret State Police re Jewish trade and businesses, 20 November 1936. . .	60
L-219	Organization plan of the RSHA as of 1 October 1943.	8, 10, 11, 59
L-297	Law commissioning Secret State Police Bureau with supervision of duties of Political Police commanders in provinces, 20 September 1936, RMBl, 1936, p. 1343	3

DOC. NO.	DESCRIPTION	PAGE NO.
L-301	New ruling on custody, Das Archiv, April 1934, Berlin, p. 31	16
L-316	RSHA order of 5 September 1942, signed by STRECKENBACH.	56
L-358	Original Haftbuch, Tomaszow-Maz, Poland, 1943.	49
L-361	Three documents concerning the formation of the RSHA, HIMMLER, 27 September 1939; HEYDRICH, 23 and 27 September 1939.	6, 10
071-PS	Copy of letter from ROSENBERG to BORMANN, 23 April 1941	57
498-PS	Original Fuehrer order of 18 October 1942 .	52
501-PS	Letter from BECKER to RAUFF, head of Amt II D, 16 May 1942, and telegram to RSHA II D, 1942.	35, 36
502-PS	GESTAPO Directive of 17 July 1941 for Kommandeurs of SIPO and SD and Stalags	44
526-PS	Top secret notice re saboteurs, 10 May 1943.	53
532-PS	Copy of letter from WFST of 26 June 1944. .	53
553-PS	Printed copy of KEITEL's secret order of 4 August 1942	52
654-PS	Original notes of THIERACK re discussion with HIMMLER, 18 September 1942	55
668-PS	Letter from SIPO and SD to OKW, 24 June 1942.	54
674-PS	Secret letter from President of High District Court of Kattowitz re executions being carried out by GESTAPO without judicial processes, 3 December 1941	55
701-PS	Copy of letter of Minister of Justice, 21 April 1943	50
710-PS	Copy of letter from GOERING to HEYDRICH, 31 July 1941.	61
745-PS	Copy of letter to Inspector of SIPO and SD from Chief of SD-Abschnitte, 12 June 1944 .	54
775-PS	Memorandum of Minister of the Interior re clarification of police matters, 1935 . . .	16
833-PS	Instructions by Admiral CANARIS, Head of the ABWEHR, 2 February 1942	54
1061-PS	Official report of STROOP, SS and Police leader of Warsaw on clearance of Warsaw Ghetto, 1943.	62
1063A-PS	Order of Chief of the SIPO and SD, 2 Jan. 1941.	48

H1221 - 0007

DOC. NO.	DESCRIPTION	PAGE NO.
1063B-PS	Copy of letter signed by KALTENBRUNNER re establishmeht of Labor Reformatory Camps, 26 June 1943.	52
1063D-PS	Copy of MUELLER's order of 17 December 1942.	49
1063E-PS	Copy of MUELLER order, 25 June 1942	50
1104-PS	Copy of report on the liquidation of Jews by Police Bn. #11, in Sluzk, October 1941 .	33
1113-PS	Original report of 6 November 1942 and forwarding letter of 10 December 1942 concerning action "marsh fever."	34
1165-PS	Letter of 23 October 1942 from Kommandant of concentration camp Gross Rosen, and letter of MUELLER to all GESTAPO offices, 9 Nov. 1941.	44, 45
1276-PS	Original top secret letter from Chief of the SIPO and SD to OKW/WFST, 17 June 1944 .	53
1285-PS	Handbook of the SIPO and SD, Die Deutsche Polizei, 1943, pp. 81-82.	9, 12
1437-PS	Law concerning reuniting of Austria with German Reich, 18 March 1938, RGBl, I, p. 262.	14
1438-PS	Order regarding Administration of Sudeten German territory, 22 October 1938, RGBl I, 1938, p. 1453	14
1472-PS	Copy of telegram from MUELLER to HIMMLER, 16 December 1942.	49, 62
1475-PS	Report of 31 May 1943 and forwarding letter of 1 June 1943 concerning action against Jews in Minsk prison camp	34
1481-PS	Copy of GESTAPO order, Munich, 20 January 1938.	64
1514-PS	Copy of order from the 6th Corps Area Command on the treatment of PW's, 27 July 1944.	46
1521-PS	Original report from the Bavarian Political Police to the GESTAPO, Berlin, 24 August 1934.	64
1531-PS	Directive of 26 October 1939 from RSHA, signed MUELLER "by order", and directive of 12 June 1942.	48, 57, 58
1551-PS	Decree of Minister of Interior, re assignments of Chief of German Police, RMBl, V, 26 June 1936, pp. 946, 7, 8	5, 10
1573-PS	Copy of order of 18 June 1941, signed MUELLER	52

H1221-0008

DOC. NO.	DESCRIPTION	PAGE NO.
1638-PS	Law on SD, 11 November 1938, circular of Minister of Interior on cooperation of SD and other authorities, RMBl V, No. 48, 1938, p. 1906	4
1650-PS	Directive to all State Police Directorates except Prague and Brunn from Chief of SIPO and SD by MUELLER, 4 March 1944	46
1680-PS	Article "10 Years Security Police and SD" in Die Deutsche Polizei, 1 February 1943. .	2, 3, 4, 10, 14
1723-PS	"Verfuegungen Anordnungen Bekanntgaben," Decrees, Orders and Announcements edited by Party Chancellry, Vol. II, .pp..430,36-39	13, 16, 47,
1815-PS	Original GESTAPO file of reports and orders re surveillance of churches by GESTAPO and SD, 1941.	63, 64
1852B-PS	Die Deutsche Polizei, Dr. Werner BEST, 1940.	14, 15, 18
1956-PS	Article in Das Archiv, Vol. 22-24, January 1936, p. 1342	5, 13, 17, 19
2073-PS	Decree re appointment of Chief of German Police in Reich Ministry of Interior, RGBl I, June 1936, p. 487-488	5
2104-PS	Law setting up GESTAPO, Preussische Gesetzsammlung, 26 April 1933, p. 122 . . .	1
2105-PS	Law on GESTAPO, Preussische Gesetzsammlung, 30 November 1933, p. 413	2, 19
2107-PS	Law on GESTAPO, Preussische Gesetzsammlung, 10 February 1936, pp. 21, 22.	2, 13, 15
2108-PS	Decree for the execution of the law of 10 February 1936, Preussische Gesetzsammlung, 1936, p. 22	3, 13, 17, 47
2113-PS	Law on the GESTAPO, Preussische Gesetzsammlung, 8 March 1934, p. 143.	2
2232-PS	Deutsche Verwaltungsrecht, German Administrative Law, Hans FRANK, 1937, p. 424.	13, 14
2243-PS	Law relating to finance measures of the police, RGBl I, p. 325, 19 March 1937 . . .	3
2245-PS	Circular decree by Minister of Interior, 20 September 1936, Ministerialblatt of the Minister of Interior, 1936, pp. 1343-44 . .	8
2273-PS	Photostatic extract from report of Einsatz Group A	32

H1221 - 0009

H1221 - 0010

DOC. NO.	DESCRIPTION	PAGE NO.
2285-PS	Affidavit of Lt. Col. GAST and Lt. VEITH, 13 May 1945	46
2344-PS	Aufbau Einer Nation, Berlin, 1934, p. 87. .	19
2346-PS	Organization chart of the SIPO and SD and of the RSHA showing chain of command, 28 October 1945	12
2347-PS	Reichsverwaltungsblatt, 1935, p. 577. . . .	15
2348-PS	Affidavit of RAUFF, Head of Amt II D, 19 October 1945	34
2371-PS	Decree for reorganization of the Political Police, RMBl, Berlin, 1933, I, p. 543 . . .	1
2372-PS	Law for uniform nomenclature for police offices, RMBl, 1936, No. 44, p. 1344. . . .	3, 19
2374-PS	Affidavit of Rudolf MILDNER, 27 June 1945.	53
2375-PS	Affidavit of Rudolf MILDNER, 22 June 1945.	63
2376-PS	Affidavit of Rudolf MILDNER, 23 June 1945.	62
2460-PS	Affidavit of Rudolf DIELS, 31 October 1945.	5, 19, 20
2477-PS	Affidavit of Willy LITZENBERG, 4 November 1945.	48
2478-PS	Affidavit of Willy LITZENBERG, 4 November 1945.	46
2479-PS	Affidavit of Dr. Rudolf MILDNER, 4 November 1945.	24
2499-PS	Order for protective custody, KEMPNER, 1934.	16
2542-PS	Affidavit of Kurt LINDOW, 30 September 1945.	45
2605-PS	Affidavit of Dr. Rudolf KASTNER, September 1945.	63
2614-PS	Affidavit of Dr. Wilhelm HOETTL, 5 November 1945.	18
2615-PS	Affidavit of Dr. Wilhelm HOETTL, 5 November 1945.	41, 50
2620-PS	Affidavit of Otto OHLENDORF, 5 November 1945.	26, 35, 57
2622-PS	Affidavit of Otto OHLENDORF, 5 November 1945.	42

H1221 - 0011

DOC. NO.	DESCRIPTION	PAGE NO.
2644-PS	Affidavit of Otto OHLENDORF, 5 November 1945.	6
2645-PS	Affidavit of Gottfried BOLEY, 14 November 1945.	61
2751-PS	Affidavit of Alfred NAUJOCKS, 7 November 1945.	23, 24
2752-PS	Affidavit of Willy LITZENBERG, 7 November 1945.	36
2846-PS	Affidavit of Edwin LAHOUSEN, 13 November 1945.	43
2884-PS	Affidavit of Walter WARLIMONT, 14 November 1945.	42
2890-PS	Extracts from the Befehlsblatt of the SIPO and SD, 1944-1945	40
2990-PS	Affidavit of Walter SCHELLENBERG, 18 November 1945	54
2992-PS	Affidavit of Hermann GRAEBE, 10 November 1945.	27, 29
3012-PS	Original letter from CHRISTIANSEN, 19 March 1943.	41, 51
3033-PS	Affidavit of Walter SCHELLENBERG, 21 November 1945	21
3051-PS	Three teletypes concerning anti-Jewish action of 10 November 1938.	60
3058-PS	Express letter from HEYDRICH to GOERING, 11 November 1938, re action against the Jews.	61
3343 PS		
R-102	Report No. 6 on actions of Einsatz Groups in U.S.S.R.	39
R-110	Original HIMMLER order, 10 August 1943. . .	53
R-142	Report of SD-Unterabschnitte Koblenz, 7 May 1938.	18
R-145	Order of State Police, Dusseldorf, 28 May 1934.	64
3344 PS		
3360 PS		
3363 PS		

H1221 - 0012

DOCUMENTS RELATING TO INDIVIDUAL DEFENDANTS

BORMANN:	071-PS
FRICK:	L-301
	1437-PS
	1723-PS
	2073-PS
	2107-PS
	2108-PS
	2243-PS
	2245-PS
GOERING:	710-PS
	2104-PS
	2105-PS
	2107-PS
	2108-PS
	2372-PS
	2460-PS
	3058-PS
KEITEL:	L-90
	532-PS
	1276-PS
ROSENBERG:	071-PS
SAUCKEL	L-61

H1221 - 0013

SECTIONS OF THE INDICTMENT

COUNT ONE - THE COMMON PLAN OR CONSPIRACY. Par. IV (D) 3 (b), The Acquiring of Totalitarian Control of Germany: Political, Consolidation of control - page 5.

COUNT ONE - THE COMMON PLAN OR CONSPIRACY. Par. IV (H), Individual, Group and Organization Responsibility for the Offense Stated in Count One - page 10.

APPENDIX B - DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, COMMONLY KNOWN AS THE GESTAPO) - pages 36 and 37.

APPENDIX B - DIE SICHERHEITSDIENST (COMMONLY KNOWN AS THE SD) of Die Schutzstaffeln der Nationalsozialistichen - page 36.

LEGAL REFERENCES

Article 9 of Section II "JURISDICTION AND GENERAL PRINCIPLES" of the Charter of the International Military Tribunal, page 2:

> "At the trial of any individual member of any group or organization the Tribunal may declare (in connection with any act of which the individual may be convicted) that the group or organization of which the individual was a member was a criminal organization.
>
> "After receipt of the Indictment the Tribunal shall give such notice as it thinks fit that the prosecution intends to ask the Tribunal to make such declaration and any member of the organization will be entitled to apply to the Tribunal for leave to be heard by the Tribunal upon the question of the criminal character of the organization. The Tribunal shall have power to allow or reject the application. If the application is allowed, the Tribunal may direct in what manner the applicants shall be represented and heard."

H1221-0014

TABLE OF ABBREVIATIONS

GESTAPO	:	Geheime Staatspolizei or Secret State Police. This was the political police system established in Prussia and extended throughout the Reich and the occupied territories.
SD	:	Sicherheitsdienst or Security Service. This was the espionage service of the SS, the NSDAP, and the Nazi State.
KRIPO	:	Reichs Kriminalpolizei or Criminal Police. This was the criminal police system which was brought into close working coordination with the GESTAPO and the SD.
SIPO	:	Sicherheitspolizei or Security Police. This was the name given to the GESTAPO and the KRIPO considered jointly. The SIPO was composed of the GESTAPO and the KRIPO.
SIPO and SD:		Sicherheitspolizei and Sicherheitsdienst or Security Police and Security Service. This was the name given to the SIPO and the SD considered jointly. The SIPO and SD consisted of the GESTAPO, the KRIPO, and the SD.
RSHA	:	Reichssicherheitshauptamt or Reich Security Head Office. This was the headquarters office of the GESTAPO, KRIPO, and SD. This office was also known as the office of the Chief of the Security Police and SD. RSHA was used in internal communications. Chief of the Security Police and SD was used in communications with other departments and agencies of government. Amt III of the RSHA was the SD within Germany. Amt IV of the RSHA was the GESTAPO. Amt V of the RSHA was the KRIPO. Amt VI of the RSHA was the SD outside Germany. The defendant KALTENBRUNNER was Chief of the Security Police and SD and Head of the RSHA.

H1221 - 0015

INTRODUCTION

This brief on the Geheime Staatspolizei (GESTAPO) includes evidence on the criminality of the Sicherheitsdienst (SD) of the Schutzstaffel (SS). In the indictment the SD is included by special reference as a part of the SS, since it originated as a part of the SS and always retained its character as a party organization, as distinguished from the GESTAPO, which was a State organization. As will be shown in this brief, however, the GESTAPO and the SD were brought into close working relationship, the SD serving primarily as the information-gathering agency and the GESTAPO as the executive agency of the police system established by the Nazis for the purpose of combatting the political and ideological enemies of the Nazi regime. This close working relationship between the GESTAPO and the SD was accomplished by the appointment of HIMMLER, the Reichsfuehrer of the SS, to the position of Chief of the German Police. What is proved in this brief with respect to the criminality of the SD applies directly to the case against the SS. The relationship between the SS and the GESTAPO is considered in the brief on the SS.

H1221-0016

I. DEVELOPMENT OF THE GESTAPO AND THE SD

THE GESTAPO AND THE SD WERE FORMED INTO A POWERFUL, CENTRALIZED POLITICAL POLICE SYSTEM SERVING PARTY, STATE AND THE NAZI LEADERSHIP.

A. Development of the GESTAPO.

The Geheime Staatspolizei, or GESTAPO, was first established in Prussia on 26 April 1933 by GOERING, with the mission of carrying out the duties of political police with or in place of the ordinary police authorities. The GESTAPO was given the rank of a higher police authority and was subordinated only to the Minister of the Interior, to whom was delegated the responsibility of determining its functional and territorial jurisdiction.

2104-PS. Law setting up the GESTAPO, Preussische Gesetzsammlung, 26 April 1933, Page 122.

Pursuant to this law, and on the same date, the Minister of the Interior issued a decree on the reorganization of the police which established a State Police Bureau in each government district of Prussia subordinate to the Secret State Police Bureau in Berlin.

2371-PS. Decree for Reorganization of the Political Police, Ministerial-Blatt for the Internal Administration of Prussia, Berlin, 1933, I, p. 503.

On 30 November 1933 GOERING issued a decree for the Prussian State Ministry and for the Reichs Chancellor which acknowledged the valuable services which the GESTAPO was able to render to the State and which placed the GESTAPO under his direct supervision as Chief. ~~In the preamble of the aforesaid decree it is stated: "It is the head of the State who draws the most direct benefit from the work of the Secret State Police~~". The GESTAPO was thereby established as an independent branch of the Administration of the Interior, responsible directly to GOERING as Prussian Prime Minister. This decree gave the GESTAPO jurisdiction over the political police matters of the general and interior administration and provided that the district, county, and local police authorities were subject to the directives of the GESTAPO.

H1221 - 0017

2105-PS. Law on the GESTAPO, Preussische Gesetzsammlung, 30 November 1933, p. 413.

By a decree of 8 March 1934 the regional State Police offices were separated from their organizational connection with the district government and established as independent authorities of the GESTAPO.

2113-PS. Law on the GESTAPO, Preussische Gesetzsammlung, 8 March 1934, p. 143.

Parallel to the development of the GESTAPO in Prussia, the Reichsfuehrer SS, Heinrich HIMMLER, created in Bavaria the Bavarian Political Police and also directed the formation of political police forces in the other federal states outside of Prussia. The unification of the political police of the various states took place in the spring of 1934 when Hermann GOERING appointed HIMMLER the Deputy Chief of the Prussian GESTAPO in place of the former Deputy Chief, DIELS. HIMMLER thereby obtained unified control over the political police forces throughout the Reich.

1680-PS. Article "10 Years Security Police and SD" in Die Deutsche Polizei, 1 February 1943.

On 10 February 1936 the basic law for the GESTAPO was promulgated by GOERING as Prussian Prime Minister. This law provided that the Secret State Police had the duty to investigate and to combat in the entire territory of the State all tendencies inimical to the State, and declared that orders in matters of the Secret State Police were not subject to the review of the administrative courts.

2107-PS. Law on GESTAPO, 10 February 1936, Preussische Gesetzsammlung, pp. 21, 22.

On the same date, 10 February 1936, a decree for the execution of said law was issued by GOERING as Prussian Prime Minister and by FRICK as Minister of the Interior. This decree provided that the GESTAPO had authority to enact measures valid in the entire area of the State and measures affecting that area, that it was the centralized agency for collecting political intelligence in the field of political police, and that it administered the concentration camps.

H1221 - 0018

The GESTAPO was given authority to make police investigations in cases of criminal attacks upon Party as well as upon State.

2108-PS. Decree for execution of the law of 10 February 1936, Preussische Gesetzsammlung, p.22.

On 28 August 1936 a circular of the Reichsfuehrer SS and Chief of the German Police provided that as of 1 October 1936 the political police forces of the German provinces were to be called the "Geheime Staatspolizei (Secret State Police). The regional offices were still to be described as State Police.

2372-PS. Law for uniform nomenclature for Police offices, RMBl, 1936, No.44, p.1344.

On 20 September 1936 a circular of the Minister of the Interior commissioned the GESTAPO Bureau in Berlin with the supervision of the duties of the political police commanders in all the States of Germany.

L-297. Law commissioning Secret State Police Bureau with supervision of duties of Political Police Commanders in Provinces, 20 September 1936. RMBl, 1936, p.1343.

The law relating to financial measures in connection with the police of 19 March 1937 provided that officials of the GESTAPO were to be considered direct officials of the Reich and their salaries, in addition to the operational expenses of the whole State Police, were to be borne from 1 April 1937 on by the Reich.

2243-PS. Law relating to finance measures of the police, RGBl, I, 19 March 1937, p.325.

Through the above laws and decrees the GESTAPO was established as a uniform political police system operating throughout the Reich and serving Party, State, and the Nazi leadership.

B. Development of the SD.

In 1932 the Reichsfuehrer of the SS, Heinrich HIMMLER, created the Sicherheitsdienst, or SD, as an intelligence service of the SS under the then SS-Standartenfuehrer Reinhard HEYDRICH.

1680-PS. Article "10 Years Security Police and SD" in Die Deutsche Polizei, 1 February 1943.

H1221 - 0019

On 9 June 1934, the NSDAP issued an ordinance which merged all information facilities then existing within the Party organization into the SD, and the SD was established as the sole Party information service.

1680-PS. Article "10 Years Security Police and SD" in Die Deutsche Polizei, 1 February 1943.

In the course of its development, the SD came into increasingly closer cooperation with the GESTAPO and also with the Reich Kriminalpolizei, the Criminal Police, or KRIPO. The GESTAPO and the KRIPO considered together were called the Sicherheitspolizei, the Security Police, or SIPO. The SD was also called upon to furnish information to various State authorities. On 11 November 1938 a decree of the Reich Minister of the Interior declared the SD to be the intelligence organization for the State as well as for the Party, that it had the particular duty of supporting the Secret State Police and that it thereby became active on a national mission. These duties necessitated a close cooperation between the SD and the authorities for the General and Interior Administration.

1680-PS. Article "10 Years Security Police and SD" in Die Deutsche Polizei, 1 February 1943.

1638-PS. Law on SD of 11 November 1938, RMBl V, p. 1906, 1938.

Through the above laws and decrees the SD was established as a uniform political information service operating throughout the Reich and serving Party, State, and the Nazi leadership.

C. Consolidation of the GESTAPO and the SD.

The first step in the consolidation of the political police system of the State (the GESTAPO) and the information service of the Nazi Party (the SD) took place in the spring of 1934 when GOERING appointed HIMMLER Deputy Chief of the GESTAPO. HEYDRICH was the head of the SD under HIMMLER, and when HIMMLER took over the actual direction of the GESTAPO, these two agencies were in effect united under one command.

H1221-0020

1956-PS. Article in Das Archiv, vol. 22-24, January 1936, p. 1342.
2460-PS. Affidavit of Rudolf DIELS, 31 October 1945.

On 17 June 1936, "for the uniformity of police duties in the Reich," the position of Chief of the German Police was established in the Reich Ministry of the Interior, to which was assigned the direction and protection of all police affairs within the jurisdiction of the Reich. By this law HIMMLER was appointed Chief of the German Police under FRICK, the Reich Minister of the Interior, and was given the right to participate in the sessions of the Reich Cabinet as Chief of the German Police.

2073-PS. Decree re appointment of Chief of the German Police in Reich Ministry of the Interior, RGBl, I, June 1936, p. 487-488.

On 26 June 1936 HIMMLER issued a decree providing for the appointment of a chief of the uniformed police and of a chief of the Security Police. This decree divided the German police system into two principal branches:

a. Ordnungspolizei (ORPO or Regular Police)

b. Sicherheitspolizei (SIPO or Security Police).

The Ordnungspolizei was composed of the Schutzpolizei (Safety Police), the Gendarmerie (Rural Police), and the Gemeindepolizei (Local Police). The Sicherheitspolizei was composed of the Reich Kriminalpolizei (KRIPO) and the Geheime Staatspolizei (GESTAPO). DALUEGE was named head of the Ordnungspolizei and HEYDRICH was named head of the Sicherheitspolizei. Since HEYDRICH was also head of the SD, he took the new title of Chief of the Security Police and SD.

1551-PS. Decree of Minister of the Interior, RMBl V, 26 June 1936, pp. 946-8.

On 27 September 1939 by order of HIMMLER, in his capacity as Reichsfuhrer SS and Chief of the German Police, the central offices of the GESTAPO and the SD, together with the Criminal Police, were centralized in the office of the Chief of the Security Police and SD under the name of the Reichssicherheitshauptamt, Reich Security Main Office, or RSHA. Under this order the personnel and administra-

H1221-0021

tive sections of each agency were coordinated in Amt I and Amt II of the RSHA; the operational sections of the SD became Amt III (except for foreign intelligence which was placed in Amt VI); the operational sections of the GESTAPO became Amt IV; and the operational sections of the KRIPO became Amt V. OHLENDORF was named the Chief of Amt III, the SD within Germany; MUELLER was named the Chief of Amt IV, the GESTAPO; and NEBE was named the Chief of Amt V, the KRIPO.

L-361. Order of HIMMLER, 27 September 1939, forming the RSHA. (Document 1).

On 27 September 1939 HEYDRICH, as Chief of the Security Police and SD, issued a directive pursuant to said order of HIMMLER in which he ordered the designation and heading "Reichssicherheitshauptamt" to be used exclusively in internal relations of the Reich Ministry of the Interior, and the heading "The Chief of the Security Police and SD" in transactions with outside persons and offices. The directive provided that the GESTAPO would continue to use the designation and heading "Geheime Staatspolizeiamt" according to particular instructions.

L-361. Order of HEYDRICH, 27 September 1939. (Document 2).

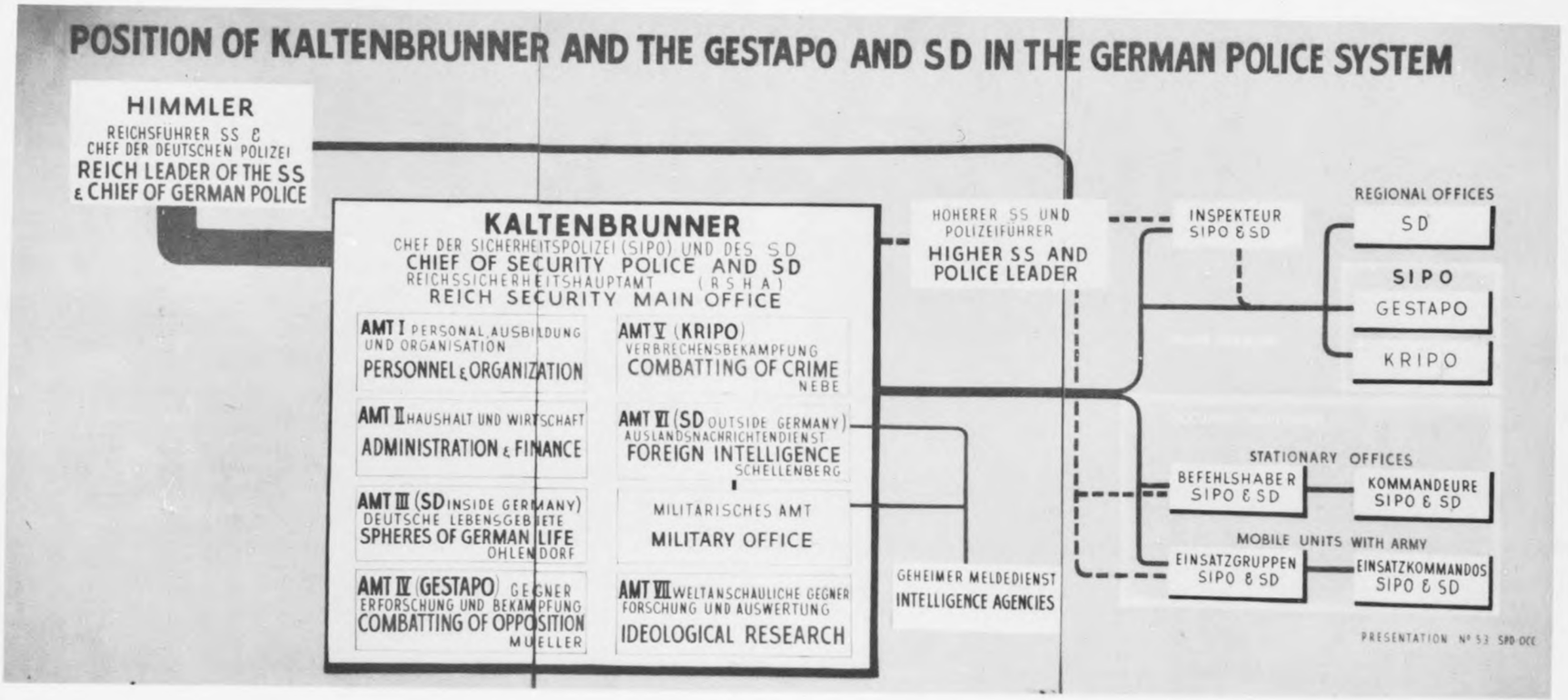
In 1944 most of the sections of the Abwehr (military intelligence) were incorporated into the various sections of the RSHA and into a new section connected with Amt VI, called the Militaerisches Amt.

2644-PS. Affidavit of OHLENDORF, 5 November 1945.

HEYDRICH was Chief of the Security Police and SD (RSHA) until his death on 4 June 1942, after which HIMMLER directed the organization until the appointment of the defendant Ernst KALTENBRUNNER as Chief of the Security Police and SD. KALTENBRUNNER took office on 30 January 1943 and remained Chief of the Security Police and SD (RSHA) until the end of the war.

2644-PS. Affidavit of OHLENDORF, 5 November 1945.

POSITION OF KALTENBRUNNER AND THE GESTAPO AND SD IN THE GERMAN POLICE SYSTEM



H1221 - 0022

H1221-0023

II. ORGANIZATION OF THE GESTAPO AND THE SD.

THE GESTAPO AND THE SD WERE ORGANIZED FUNCTIONALLY ON THE BASIS OF THE OPPONENTS TO BE COMBATTED AND THE MATTERS TO BE INVESTIGATED.

A. Organization of the GESTAPO (AMT IV OF THE RSHA).

The headquarters organization of the GESTAPO (Amt IV of the RSHA) was set up on a functional basis. In 1943 it contained five sub-sections.

Section A dealt with opponents, sabotage, and protective service and was subdivided as follows:

A 1 Communism, Marxism and associated organizations, war crimes, illegal and enemy propaganda.

A 2 Defense against sabotage, combatting of sabotage, political falsification.

A 3 Reaction, opposition, legitimism, liberalism, matters of malicious opposition.

A 4 Protective service, reports of attempted assassinations, guarding, special jobs, pursuit troops.

Section B dealt with political churches, sects and Jews, and was subdivided as follows:

B 1 Political Catholicism.

B 2 Political Protestantism Sects.

B 3 Other churches, Freemasonry.

B 4 Jewish affairs, matters of evacuation, means of suppressing enemies of the people and State, dispossession of rights of German citizenship. (EICHMANN was head of this office).

Section C dealt with card files, protective custody, and matters of press and Party, and was subdivided as follows:

C 1 Evaluation, main card index, administration of individual files, information office, supervision of foreigners.

C 2 Matters of protective custody.

C 3 Matters of the press and literature.

C 4 Matters of the Par ty and its formations, special cases.

Section D dealt with regions under greater German influence, and was subdivided as follows:

H1221 - 0024

D (aus. arb.) Foreign Workers.

D 1 Matters of the Protectorate, Czechs in the Reich, Slovakia, Serbia, Croatia, and the remaining regions of the former Jugoslavia, Greece.

D 2 Matters of the General Governement, Poles in the Reich.

D 3 Confidential office, foreigners hostile to the State, emigrants.

D 4 Occupied territories, France, Belgium, Holland, Norway, Denmark.

D 5 Occupied Eastern territories.

Section E dealt with security and was subdivided as follows:

E 1 General security matters, supply of legal opinions in matters of high and State treason and other security matters.

E 2 General economic matters, defense against economic espionage, protection of works and those engaged in guarding.

E 3 Security West.

E 4 Security North.

E 5 Security East.

E 6 Security South.

Section F dealt with passport matters and alien police and was subdivided as follows:

F 1 Frontier police.

F 2 Passport matters.

F 3 Identification and identity cards.

F 4 Alien police and basic questions concerning frontiers.

F 5 Central visa office.

L-219. Organization plan of the RSHA, 1 October 1943.

Subordinate offices of the GESTAPO were established throughout the Reich and designated as Staats Polizeileitstellen or Staats Polizeistellen, depending upon the size of the office. These offices reported directly to the RSHA in Berlin but were subject to the supervision of Inspekteurs of the Security Police in the various provinces. The inspectors were expected to foster cooperation between the Security Police and the central offices of the general and interior administration.

2245-PS. Law on employment of Security Police Inspectors, 20 September 1936, RMBl, pp. 1343, 1344.

H1221-0025

In the occupied territories the regional offices of the GESTAPO were coordinated with the Criminal Police and the SD under Kommandeurs of the Security Police and SD, who were subject to Befehlshabers of the Security Police and SD who reported to the Chief of the Security Police and SD (RSHA) in Berlin.

1285-PS. Handbook of the SIPO and SD, Die Deutsche Polizei, 1943, pp. 81, 82.

B. Organization of the SD (Amt III of the RSHA).

The headquarters organization of the SD (including only Amt III of the RSHA and not Amt VI, the foreign intelligence branch) was set up on a functional basis. In 1943 it contained four sections.

Section A dealt with questions of legal order and structure of the Reich and was subdivided as follows:

A 1 General questions of work on spheres of German life.

A 2 Law.

A 3 Constitution and administration.

A 4 National life in general.

A 5 General questions of police law, and technical questions of legislation.

Section B dealt with nationality, and was subdivided as follows:

B 1 Nationality questions.

B 2 Minorities.

B 3 Race and health of the people.

B 4 Citizenship and naturalization.

B 5 Occupied territories.

Section C dealt with culture, and was subdivided as follows:

C 1 Science.

C 2 Educational religious life.

C 3 Folk culture and art.

C 4 Press, literature, radio, office for evaluation of material.

Section D dealt with economics, and was subdivided as follows:

D a Reading office, economics, press, magazines, literature.

H1221-0026

D b Colonial economics.

D S Special questions and review of material.

D West Western occupied regions.

D Ost Eastern occupied regions.

D 1 Food economy.

D 2 Commerce, handcraft, and transport.

D 3 Finance, currency, banks and exchanges, insurance.

D 4 Industry and Power.

D 5 Labor and Social Questions.

L-219. Organization plan of the RSHA, 1 October 1943.

Within Germany the original regional offices of the SD were called SD-Oberabschnitte and SD-Unterabschnitte. In 1939 these designations were changed to SD-Abschnitte and SD-Leitabschnitte. Offices of the SD-Abschnitte were located in the same place as the Staatspolizeistellen. SD-Abschnitte located where there were Staats Polizeileitstellen were called "SD Leitabschnitte". Direct orders came from the Chief of the Security Police and SD in Berlin (RSHA) to these regional offices, but they were also subject to the supervision of the Inspekteurs of the SIPO and SD. In the occupied territories the regional offices of the SD were coordinated with the GESTAPO and Criminal Police under Kommandeurs of the SIPO and SD who were subject to Befehlshabers of the Security Police and SD who reported to the Chief of the Security Police and SD (RSHA) in Berlin.

1680-PS. Article "10 Years Security Police and SD" Die Deutsche Polizei, 1 February 1943.
L-361. Decree of HEYDRICH, 23 September 1939, 3rd document.

C. Combined Organization of the GESTAPO and SD.

The central offices of the GESTAPO and SD were coordinated in 1936 with the appointment of HEYDRICH, the head of the SD, as chief of the Security Police. The office of HEYDRICH was called "Chief of the Security Police and SD".

1551-PS. Assignments of Chief of German Police, RMBl, V, pp.946, 947, 948, 26 June 1936.

H1221-0027

When the central offices of the GESTAPO and SD, together with the Criminal Police, were centralized in one main office (RSHA) in 1939, the functions were somewhat redistributed.

Amt I of the RSHA handled personnel for the three agencies. Subsection A 2 handled personnel matters of the GESTAPO, A 3 handled personnel matters of the KRIPO, and A 4 handled personnel matters of the SD.

Amt II handled organization, administration, and law for the three agencies. Subsection C handled domestic arrangements and pay accounts, and was divided into two sections, one to take care of pay accounts of the Security Police and the other to take care of pay accounts of the SD, since personnel of the former were paid by the State and personnel of the latter were paid by the Party. Subsection D, under SS-Obersturmbannfuehrer RAUFF handled technical matters including the motor vehicles of the SIPO and SD.

Amt III was the SD and was charged with investigation into spheres of German life. Its subdivisions have heretofore been considered.

Amt IV was the GESTAPO and was charged with combatting political opposition. Its subdivisions have heretofore been considered.

Amt V was the KRIPO and was charged with combatting criminals. Subsection V D was the criminalogical institute for the SIPO handling matters of identification, chemical and biological investigations and technical research.

Amt VI was concerned with foreign political intelligence and contained subsections dealing with western Europe, Russia and Japan, Anglo-American sphere, and central Europe. It contained a special section dealing with sabotage.

Amt VII handled ideological research against enemies, such as Freemasonry, Judaism, political churches, Marxism and liberalism.

L-185. Organization plan of the RSHA, 1 January 1941.
L-219. Organization plan of the RSHA, 1 October 1943.

The centralization of the main offices of the GESTAPO and SD was not fully carried out in the regional organization. Within Germany the regional offices of the GESTAPO and SD maintained their

H1221-0028

separate identity and reported directly to the section of the RSHA which had the jurisdiction of the subject matter. They were, however coordinated by the Inspekteurs of the Security Police and SD. The Inspekteurs were also under the supervision of the Higher SS and Police leaders appointed for each Wehrkreis. The Higher SS and Police leaders reported to the Reichsfuehrer SS and Chief of the German Police in each Wehrkreis and supervised not only the Inspekteurs of the Security Police and SD but also the Inspekteurs of the Order Police and various subdivisions of the SS.

1285-PS. Handbook for the SIPO and SD, Die Deutsche Polizei, 1943, p. 82.

In the occupied territories the organization developed as the German armies advanced. Combined operational units of the Security Police and SD, known as Einsatz Groups, operated with and in the rear of the Army. These groups were officered by personnel of the GESTAPO, the KRIPO, and the SD, and the enlisted men were composed of Order Police and Waffen SS. They functioned with various army groups. The Einsatz Groups were subdivided into Einsatzkommandos, Sonderkommandos, and Teilkommandos, all of which performed the functions of the Security Police and SD with or closely behind the army. After the occupied territories had been consolidated, the Einsatz Groups and their subordinate parts were formed into permanent combined offices of the Security Police and SD within prescribed geographical locations. These combined forces were placed under the Kommandeurs of the Security Police and SD, and the offices were organized in sections similar to the RSHA headquarters. The Kommandeurs of the Security Police and SD reported directly to Befehlshabers of the Security Police and SD, who in turn reported directly to the Chief of the Security Police and SD. In the occupied territories, the Higher SS and Police leaders exercised more direct control over the Befehlshabers and the Kommandeurs of the Security Police and SD than within the Reich. They had authority to issue direct orders so long as they did not conflict with the Chief of the Security Police and SD who exercised controlling authority.

1285-PS. Handbook for the SIPO and SD, Die Deutsche Polizei, 1943, p.83.

2346-PS. Organization chart of the RSHA showing chain of command, 28 October 1945.

III. PLACE OF THE GESTAPO AND SD IN THE CONSPIRACY

THE PRIMARY MISSION OF THE GESTAPO AND THE SD WAS TO COMBAT THE ACTUAL AND IDEOLOGICAL ENEMIES OF THE NAZI REGIME AND TO KEEP HITLER AND THE NAZI LEADERSHIP IN POWER AS SPECIFIED IN COUNT ONE OF THE INDICTMENT.

A. Tasks and Methods of the GESTAPO.

In the basic law of 10 February 1936, the GESTAPO was declared to have "the duty to investigate and to combat in the entire territory of the State, all tendencies dangerous to the State". The decree issued for the execution of said law gave the GESTAPO the authority to make police investigations in treason, espionage and sabotage cases, "and in other cases of criminal attacks on Party and State."

2107-PS. Law on Secret State Police, 10 February 1936, Preussische Gesetzsammlung, 1936, pp. 21-22.
2108-PS. Decree for execution of law of 10 February 1936, Preussische Gesetzsammlung, 1936, p.22.

In referring to the above law, the Nazi jurist, Dr. Werner BEST, commented as follows:

> "Not the State in its outward organic appearance but the tasks of the leadership in the sense of the National-Socialist idea is the object of protection."

2232-PS. Hans FRANK, Deutsches Verwaltungs-Recht, German Administrative Law, 1937, p.424.

The duties of the GESTAPO were described in 1938 as follows in an order published by the Party Chancery:

> "To the GESTAPO has been entrusted the mission by the Fuehrer to watch over and to eliminate all enemies of the Party and the National Socialist State as well as all disintegrating forces of all kinds directed against both."

1723-PS. "Verfuegungen Anordnungen Bekanntgaben", p.430. Decrees, Orders, and Announcements edited by Party Chancery, Vol.II.

In Das Archiv, January 1936, the duties of the GESTAPO were described in part as follows:

> "Since the National Socialist revolution, all open struggle and all open opposition to the State and to the leadership of the State is forbidden, and a Secret State Police as a preventive instrument in the struggle against all dangers threatening the State is indissolubly bound up with the National Socialist Fuehrer-State.

1956-PS. Das Archiv, January 1936, p.1342.

H1221-0029

H1221-0030

The successful accomplishment of this mission to strike down the political and ideological opponents of the Nazi conspiracy was stated in the official magazine of the SIPO and SD on 1 February 1943 in the following words:

> "The Secret State Police by carrying out these tasks, contributed decisively to the fact that the National Socialist constructive work could be executed in the past ten years without any serious attempts of interference by the political enemies of the nation."
>
> 1680-PS. Article in "Die Deutsche Polizei", 1 February 1943.

The methods used by the GESTAPO were limited only by the results to be obtained.

> "The duties of the political police and the necessary means for their performance are not chosen freely but are prescribed by the foe. Just like the operations of an army against the outward enemy and the means to fight this enemy cannot be prescribed, so the political police also must have a free hand in the choice of the means necessary at times to fight the attempts dangerous to the State".
>
> 2232-PS. Deutsche Verwaltungsrecht, German Administrative Law, Hans FRANK, 1937, p.424.

The GESTAPO was not restricted to the limitations of written law. The Nazi jurist, Dr. Werner BEST, states:

> "As long as the 'police' carries out the will of the leadership, it is acting legally."
>
> 1852B-PS. Die Deutsche Polizei, Dr. Werner BEST, 1940, p.19.

The GESTAPO was given the express power to take action outside the law in the occupied territories. The laws pertaining to the administration of Austria and the Sudetenland provided that the Reichsfuehrer SS and Chief of the German Police will take measures for the maintenance of security and order "even beyond the legal limitation otherwise laid down for this purpose."

> 1437-PS. Law concerning reuniting of Austria with German Reich, 18 March 1938. RGBl, I, p.262.
> 1438-PS. Order regarding administration of Sudeten-German territory, 22 October 1938. RGBl I, 1938, p.1453.

H1221-0031

The actions and orders of the GESTAPO were not subject to judicial review. The decision of the Prussian High Court of Administration, 2 May 1935, held that the status of the GESTAPO as a special police authority removed its orders from the jurisdiction of the Administrative Tribunals. The court said that under the law of 30 November 1933 the only redress available was by appeal to the next higher authority within the GESTAPO itself.

2347-PS. Reichverwaltungsblatt, 1935, p.577.

The basic law of 10 February 1936 on the powers of the GESTAPO provided specifically in Section VII:

> "Orders in matters of the Secret State Police are not subject to the review of the administrative courts."

2107-PS. Law of GESTAPO of 10 February 1936, Preussische Gesetzsammlung, 1936, p.21.

Concerning the power of the GESTAPO to act outside the law, the Nazi jurist, Dr. Werner BEST, states:

> "It is no longer a question of law but a questi of fate whether the will of the leadership lays down the 'right' rules, i.e. rules feasible and necessary for police action - the 'police' law suitable for an beneficial to the people. Actual misuse of the legis lative power by a people's leadership - be it a harmful severity or weakness - will, because of the violations of the "laws of life", be punished in history more surely by fate itself through misfortune overthrow and ruin, than by a State Court of Justice.

1852B-PS. Die Deutsche Polizei, Dr. Werner BEST, 1940, p.20.

The great power of the GESTAPO was "Schutzhaft" - the power to imprison people without judicial proceedings on the theory of "protective custody". This power was based upon the law of 28 February 1933 which suspended the clauses of the Weimar Constitution guaranteeing civil liberties to the German people, including Article 114 thereof, which provided that an abridgement of personal liberty was permissible only

H1221-0032

by authority of law.

2499-PS. Order for protective custody, KEMPNER.

In April 1934 the Reich Minister of the Interior issued a decree (which was not made public) stating that in view of the stabilizing of the national situation it had become feasible to place restrictions upon the exercise of protective custody and providing for limitations upon its exercise.

L-301. Das Archiv, April 1934, p.31.
779-PS. Directive of Reichminister of the Interior re Protective Custody of 12 April 1934.

The GESTAPO did not observe such limitations, and the practice of taking people into protective custody increased greatly in 1934. The GESTAPO did not permit lawyers to represent persons taken into protective custody and, in one instance, counsel were themselves placed in protective custody for trying to represent clients. Civil employees were investigated and taken into protective custody by the GESTAPO without knowledge of their superiors.

775-PS. Memorandum of Minister of Interior re clarification of police matters, 1935.

As of 1 February 1938, the Reich Minister of the Interior rescinded previous decrees relating to protective custody, including the decree of 12 April 1934, and issued new regulations. These regulations provided that protective custody could be ordered:

> "as a coercive measure of the Secret State Police against persons who endangered the security of the people and the State through their attitude, in order to counter all aspirations of enemies of the people and State";

that the GESTAPO had the exclusive right to order protective custody; that protective custody was to be executed in the State concentration camps; and that the GESTAPO, which authorized release from protective custody, would review individual cases once every three months. The Chief of the Secret Police was given authority to issue the necessary regulations.

1723-PS. Extract from Verfuegungen Anordnungen Bekanntgaben, pp.436-439.

H1221 - 0033

The importance of this power of protective custody was set forth in Das Archiv, 1936, in the following language:

> "The most effective preventive measure is without doubt the withdrawal of freedom, which is covered by the form of protective custody, if it is to be feared that the free activity of the persons in question might endanger the security of the State in any way. While protective arrest of short duration is carried out in police and court prisons, the concentration camps under the Secret State Police admit those taken into protective custody who have to be withdrawn from public life for a longer time."
>
> 1956-PS. Das Archiv, January 1936, p.1342.

The authority of the GESTAPO to administer the concentration camps was set forth in the decree to the basic law of 10 February 1936.

> 2108-PS. Decree on law of 10 February 1936, Preussische Gesetzsammlung, 1936, p.22.

Other methods used by the GESTAPO consisted of the dissolution of associations, prohibition and dissolution of assemblies and congregations, prohibition of publications of various kinds and so forth.

> 1956-PS. Das Archiv, January 1936, p.1342.

B. Tasks and Methods of the SD.

The task of the SD, after it became the intelligence service for State and Party, was to obtain secret information concerning the actual and potential enemies of the Nazi leadership so that appropriate action could be taken to destroy or neutralize opposition.

> 1956-PS. Das Archiv, January 1936, p.1342.

The duties of the SD were stated by the Nazi jurist, Dr. Werner BEST, as follows:

> "As the intelligence service of the German National Socialist Labor Party, the Security Service has first of all the task of investigating and keeping a watch over all forces, events and facts which are of importance for the domination of the National Socialist idea and movement in Germany territory. With this task follows that duty laid down by the Reich Minister of the Interior - the duty of supporting the Security Police - which is fulfilled, so far as it goes, under State orders. In support of the task of the Security Police in securing the ranks of the German people against interference and destruction of any kind, the Security Service has to watch over every sphere of life

H1221-0034

> of the German people with regard to the activities of inimical forces and the result of state and political measures, and to inform continually the competent State authorities and offices about the facts which have come to light. Finally, it has to investigate politically and explore fundamentally the activities and connections of the great, ideological, arch-enemy of National Socialism and the German people, in order thereby to render possible a purposeful and effective fight against it."

1852B-PS. Die Deutsche Polizei, Dr. Werner BEST, 1940, pp.38, 39.

To accomplish this task, the SD created an organization of agents and informants operating out of various SD regional offices established throughout the Reich, and later in conjunction with the GESTAPO and Criminal Police throughout the occupied territories. The organization consisted of several hundre full-time agents whose work was supplemented by several thousan part-time informants. Informants were located in schools, shop churches, and all other spheres of German life, operating under cover, and reporting any utterances or actions against the Nazi Party, State or leadership.

2614-PS. Affidavit of Dr. Wilhelm HOETTL, 5 November 1945.

The SD had direct and powerful influence in the selection of Nazi leaders. It investigated the loyalty and reliability of State officials, evaluating them by their complete devotion to Nazi ideology and the HITLER leadership. It secretly marked ballots and thereby discovered the identity of persons who cast "No" votes and "invalid" votes in the referenda.

2614-PS. Affidavit of Dr. Wilhelm HOETTL, 5 November 1945.
R-142. Report of the SD Unterabschnitte Koblenz, 7 May 1938.

The SD worked closely with the GESTAPO. An article in the "Voelkische Beobachter" published in Das Archiv, January 1936, stated:

> "As the Secret State Police can not carry out, in addition to its primary executive tasks, this observation of the enemies of the state, to the extent necessary, there steps alongside to supplement it the Security Service of the Reichs Leader of the SS, set up by the Deputy Fuehrer as the political

H1221 - 0035

intelligence service of the movement, which puts a large part of the forces of the movement mobilized by it into the service of the security of the state."

1956-PS. Das Archiv, January 1936, p.1343.

C. The Place of the GESTAPO and the SD in the Conspiracy.

The GESTAPO was founded in April 1933 by GOERING to serve as a political police force in Prussia. GOERING instructed DIELS, the first Deputy Chief of the GESTAPO, that his main task would be the elimination of political opponents of National Socialism and the fight against Communism.

2460-PS. Affidavit of Rudolf DIELS, 31 October 1945.

In "Aufbau Einer Nation", published in 1934, GOERING said:

"For weeks I had been working personally on the reorganization and at last I alone and upon my own decision and my own reflection created the office of the Secret State Police. This instrument which is so feared by the enemies of the State, has contributed most to the fact that today there can no longer be talk of a Communist and Marxist danger in Germany and Prussia."

2344-PS. Aufbau Einer Nation, Berlin, 1934, p.87.

So effective had the GESTAPO proven itself in combatting the political opposition to National Socialism by the fall of 1933 that GOERING took over direct control of the GESTAPO.

2105-PS. Law on Secret State Police, November 30, 1933, Preussische Gesetzsammlung, 1933, p.413.

GOERING's position as Chief of the GESTAPO in Prussia was recognized by HIMMLER even after he became Chief of the German Police in 1936.

2372-PS. Decree of the Reichsfuehrer SS and Chief of the German Police in the Reich Ministry of the Interior, 28 August 1936, RMBl V, 1936, p.1344-1345.

Even as late as December 1938 GOERING continued to exercise his direct control over the Prussian GESTAPO.

D-183. Order of GESTAPO Office, Darmstadt, 7 December 1938.

H1221-0036

HIMMLER was named Deputy Chief of the GESTAPO in Prussia in 1934. He used the GESTAPO, infused with new personnel recruited in large part from the SS, to carry out the purge of 30 June 1934.

2460-PS. Affidavit of Rudolf DIELS, 31 October 1945.

The GESTAPO, through its great power of arrest and confinement to concentration camps without recourse to law, was the principal means for eliminating enemies of the Nazi regime. DIELS, the former Deputy Chief of the GESTAPO under GOERING, declared:

> .."From (1934) on the GESTAPO is responsible for all deprivations of freedom and breaches of law and killings in the political field which took place without court verdict. Of primary importance among these was the shooting of numerous persons who had been committed to jails by the courts and then shot supposedly because of resistance. Many such cases were at that time published in the papers. For people guilty of immorality such illegal shootings became the rule. As for deprivation of freedom, there was no legal reason anymore for protective custody orders after 1934, which had still been the case before that date, since from 1934 on the power of the totalitarian state was so stabilized that the arrest of a person for his own protection was only an excuse for arbitrary arrest - without court verdict and without lega measures for him. The terroristic measures, which led to the development of the pure force system and punished to an increasing degree each critical remark and each impulse of freedom with the concentration camp, took on more and more arbitrary and cruel forms. The GESTAPO became the symbol of the regime of force."
>
> 2460-PS. Affidavit of Rudolf DIELS, 31 October 1945.

H1221-0037

IV. CRIMINAL RESPONSIBILITY OF THE GESTAPO AND SD

THE GESTAPO WAS PRIMARILY THE EXECUTIVE AGENCY AND THE SD WAS PRIMARILY THE INTELLIGENCE AGENCY IN THE POLITICAL POLICE SYSTEM WHICH COMMITTED CRIMES IN AID OF THE CONSPIRACY.

In the following sections of this brief the criminal responsibility of the GESTAPO and the SD will be considered with respect to certain crimes against the peace, war crimes and crimes against humanity which were in principal part committed by the centralized political police system the development and organization of which has been considered in the preceding sections of the brief. In some instances the crimes were committed in cooperation or conjunction with other groups and organizations.

Frequent reference will be made to the phrase, "SIPO and SD". The SIPO and SD was composed of the following organizations,--the GESTAPO, the KRIPO and the SD.

The GESTAPO was the largest of these, having a membership of about 40,000 or 50,000 in 1943-45. It was the political police force of the Reich. Much of its personnel consisted of transferees from former political police forces of the States. Membership in the GESTAPO was voluntary.

The KRIPO was second largest, having a membership of about 15,000 in 1943-45. It was the criminal police force of the Reich.

The SD was the smallest, having a membership of about 3,000 in 1943-45. It was the intelligence service of the SS. Membership in the SD was voluntary.

3033-PS. Affidavit of Walter SCHELLENBERG, 21 November 1945.

In common usage, and even in orders and decrees, the term "SD" was used as an abbreviation of the term "SIPO and SD". Since the GESTAPO was the primary executive agency of

H1221-0038

the SIPO and SD, and by far the largest, in most such cases the actual executive action was carried out by personnel of the GESTAPO rather than of the SD or of the KRIPO. In occupied territories, members of the GESTAPO frequently wore SS uniforms

3033-PS. Affidavit of Walter SCHELLENBERG, 21 November 1945.

The term "Chief of the Security Police and SD" describes the person who is the head of the GESTAPO, KRIPO and the SD, and of their headquarters office called the RSHA. The "Chief of the Security Police and SD" and the "head of the RSHA" are always one and the same person. The RSHA was a department in the Reich Ministry of the Interior and in the SS. Sometimes organizational responsibility can be established by the fact that the orders in question were issued by or submitted to Amt III of the RSHA (in which case the action concerned the SD), to Amt IV of the RSHA (in which case the action concerned the GESTAPO), or to Amt V of the RSHA (in which case the action concerned the KRIPO).

Although the GESTAPO was the chief executive agency in the political police system, all three organizations contributed to the accomplishment of most of the criminal activites discussed hereinafter.

IV. CRIMES OF THE GESTAPO AND SD AGAINST THE PEACE.

THE GESTAPO AND THE SD COMMITTED CRIMES AGAINST THE PEACE AS SPECIFIED IN COUNT TWO OF THE INDICTMENT.

H1221-0039

Prior to the invasion of Poland by Germany, "border incidents" were fabricated by the GESTAPO and SD for the purpose of furnishing HITLER with an excuse to wage war.

2751-PS. Affidavit of Alfred NAUJOCKS, 7 November 1945.

Early in August, 1939, the plan was conceived by the Chief of the Security Police and SD, HEYDRICH, to stage simulated border raids by personnel of the GESTAPO and SD dressed as Poles. To add authenticity, it was planned to take certain prisoners from concentration camps, kill them by use of hypodermic injections, and leave their bodies, clad in Polish uniforms, at the various places where the incidents were planned to occur. The Chief of the GESTAPO, MUELLER, took a directing hand in these actions, which were staged on 31 August 1939 in Beuthen, Hindenburg, Gleiwitz and elsewhere.

The leader of the SD agents who made the pretended attack on the Gleiwitz radio station on 31 August, said:

> "In my presence, Mueller discussed with a man named Mehlhorn plans for another border incident, in which it should be made to appear that Polish soldiers were attacking German troops. Germans in the approximate strength of a company were to be used. Mueller stated that he had 12 or 13 condemned criminals who were to be dressed in Polish uniforms and left dead on the ground of the scene of the incident, to show that they had been killed while attacking. For this purpose they were to be given fatal injections by a doctor employed by Heydrich. Then they were also to be given gunshot wounds. After the incident members of the press and other persons were to be taken to the spot of the incident. A police report was subsequently to be prepared.
>
> 4. Mueller told me that he had an order from Heydrich to make one of those criminals available to me for the action at Gleiwitz. The code name by which he referred to these criminals was "Canned Goods".
>
> 5. The incident at Gleiwitz in which I participated was carried out on the evening preceding the German attack on Poland. As I recall, war broke out on the 1st of September 1939. At noon of the 31st August I received by telephone from Heydrich the code word for the attack which was to take place at 8 o'clock that evening. Heydrich said, "In order to carry out this attack report to Mueller for Canned Goods." I did this and gave Mueller instructions to deliver the man near the radio station. I received

H1221-0040

this man and had him laid down at the entrance to the station. He was alive but he was completely unconscious. I tried to open his eyes. I could not recognize by his eyes that he was alive, only by his breathing. I did not see the shot wounds but a lot of blood was smeared across his face. He was in civilian clothes.

6. We seized the radio station as ordered, broadcast a speech of three to four minutes over an emergency transmitter, fired some pistol shots and left."

2751-PS. Affidavit of Alfred NAUJOCKS, 20 November 1945.

2479-PS. Affidavit of Dr. Rudolf MILDNER, 24 November 1945.

These were the "frontier incidents" to which HITLER referred in his speech to the Reichstag on 1 September 1943.

Adolf HITLER, "My New Order," Reynal and Hitchcock, Inc., 1941, p.687.

H1221-0041

VI. WAR CRIMES OF THE GESTAPO AND SD

THE GESTAPO AND THE SD COMMITTED WAR CRIMES AS SPECIFIED IN COUNT THREE OF THE INDICTMENT.

A. The GESTAPO and SD carried out mass murders of hundreds of thousands of civilians of occupied countries as a part of the Nazi program to exterminate political and racial undesirables ("Einsatz Groups").

About four weeks before the attack on Russia, special task forces of the SIPO and SD, called Einsatzgruppen or Einsatz Groups, were formed on order of HIMMLER for the purpose of following the German armies into Russia, combatting partisans and members of resistance groups and exterminating the Jews and Communist leaders. In the beginning four Einsatz Groups were formed. Einsatz Group A, operating in the Baltic States, was placed under the command of STAHLECKER, former Inspector of the SIPO and SD. Einsatz Group B, operating toward Moscow, was placed under the command of NEBE, the Chief of Amt V (KRIPO) of the RSHA. Einsatz Group C, operating toward Kiev, was placed under the command of RASCH and later of THOMAS, former Chief of the SIPO and SD in Paris. Einsatz Group D, operatin in the south of Russia, was placed under the command of OHLENDORF, the Chief of Amt III (SD) of the RSHA.

The Einsatz Groups were officered by personnel of the GESTAPO, the SD and the KRIPO. The men were drawn from the Order Police and the Waffen SS. The groups had complements of 400 to 500 men, and had their own vehicles and equipment. By agreement with the OKW and OKH, the Einsatzkommandos were attached to certain Army corps or divisions. The Army assigned the area in which the Einsatzkommandos were to operate, but all operational directives and orders for the carrying out of executions were given through the RSHA in Berlin. Regular courier service and radio communications existed between the Einsatz Groups and the RSHA.

The affidavit of OHLENDORF, Chief of the SD, who led Einsatz Group D, reads in part as follows:

> "When the German Army invaded Russia, I was leader of Einsatzgruppe D in the southern sector, and in the course of the year during which I was leader of the Einsatzgruppe D, it liquidated approximately 90,000 men, women and children. The majority of those liquidated were Jews, but there were also among them some Communist functionaries.
>
> "In the execution of this extermination program the Einsatzgruppen were subdivided into Einsatzkommandos, and the Einsatzkommandos into still smaller units, the so-called Sonderkommando and Teilkommandos Usually the smaller units were led by a member of the SD, the GESTAPO or the KRIPO. The unit selected for this task would enter a village or city and order the prominent Jewish citizens to call together all Jews for the purpose of resettlement. They were asked to hand over their personal belongings to the leaders of the unit, and shortly before the execution, to surrender their outer clothing. The men, women and children were led to a place of execution which usually was located beside a deepened anti-tank ditch. Then they were shot, kneeling or standing, and the corpses were thrown into the ditch. I never permitted the shooting by individuals in Group D, but ordered that several of the men should shoot at the same time in order to avoid direct personal responsibility. The leaders of the unit, or especially designated persons, however, had to fire the last shot against those victims who were not dead immediately. I learned from conversations with other group leaders that some of them asked the victims to lie down flat on the ground to be shot through the neck. I did not approve of these methods.
>
> 2620-PS. Affidavit of Otto OHLENDORF, 5 November 1945.

The contention that these murders were carried out by subterfuge and without force and terror is belied by the eye-witness account of two such mass murders witnessed by Hermann GRAEBE, who was manager and engineer in charge of the branch office of the Solingen firm of Josef Jung in SDOLBUNOW, Ukraine, from September 1941 until January 1944. GRAEBE's interest in the mass executions derived from the fact that in addition to Poles, Germans, and Ukrainians, he employed Jews on the various construction projects under his supervision. He was personally acquainted with the leader of the SIPO and SD who carried out the actions hereinafter described with the aid of SS-men (most of whom wore the SD arm-band) and Ukrainian militia. GRAEBE negotiated with SS-major PUTZ, the leader of the SIPO and SD

H1221-0042

H1221-0043

for the release of about 100 Jewish workers from the action which took place in ROWNO on 13 July 1942. The original letter which exempted these Jewish workers from the action is attached to GRAEBE's affidavit, which states in part as follows:

> "In the evening of this day I drove to ROWNO and posted myself with Fritz EINSPORN in front of the house in the Bahnhofstrasse in which the Jewish workers of my firm slept. Shortly after 22.00 the ghetto was encircled by a large SS detachment and again about three times as many members of the Ukrainian militia. Then the electric floodlights which had been erected all around the ghetto were switched on. SS and militia details of 4 to 6 members entered or at least tried to enter the houses. Where the doors and windows were closed and the inhabitants did not open upon the knocking, the SS men and militia broke the windows, forced the doors with beams and crowbars and entered the dwellings. The owners were driven onto the street just as they were, regardless of whether they were dressed or whether they had been in bed. Since the Jews in most cases refused to leave their dwellings and resisted, the SS and militia both applied force. With the help of whippings, kicks and hits with the rifle butts they finally succeeded in having the dwellings evacuated. The people were chased out of their houses in such haste that the small children who had been in bed had been left behind in several instances In the street women cried out for their children and children for their parents. That did not prevent the SS from chasing the people along the road, at double time, and hitting them until they reached a waiting freight train. Car after car was filled, over it hung the screaming of women and children, the crackin of whips and rifle shots. Since several families and groups had barricaded themselves in especially strong buildings, and the doors could not be forced with crowbars or beams, these houses were now blown open with handgrenades. Since the ghetto was near the railroad tracks in Rowno, the younger people tried to get across the tracks and to a small river to be outside of the ghetto. This sector being outside of the floodlights was lighted by signal ammunition. All through the night these beaten, chased and wounde people dragged themselves across the lighted streets. Women carried their dead children in their arms, children hugged and dragged by their arms and feet their dead parents down the road toward the train. Again and again the calls "Open the door" "Open the door" echoed through the ghetto."

2992-PS. Affidavit of Hermann GRAEBE re Jewish action at ROWNO, 10 November 1945.

The leader of Einsatz Group D, OHLENDORF, stated in his affidavit that other Einsatz Group leaders required the victims to lie down flat on the ground to be shot through the neck.

H1221-0044

GRAEBE describes a mass execution of this kind which he observed carried out under the direction of a man in SD uniform on 5 October 1943 at DUBNO, Ukraine, as follows:

"Thereupon in the company of MOENNIKES I drove to the construction area and saw in its vicinity a heap of earth, about 30 meters long and 2 meters high. Several trucks stood in front of the heap. Armed Ukrainian militia chased the people off the trucks under the supervision of an SS man. The militia men were guards on the trucks and drove them to and from the excavation. All these people had the prescribed yellow badges on the front and back of their clothes, and thus were recognized as Jews.

MOENNIKES and I went directly to the excavation. Nobody bothered us. Now we heard shots in quick succession from behind one of the earth mounds. The people who had gotten off the trucks - men, women, and children of all ages - had to undress upon the orders of an SS man who carried a riding or dog whip. They had to put down their clothes in fixed places, sorted according to shoes, over and underclothing. I saw a pile of shoes of about 800 to 1000 pairs, great piles of laundry and clothing. Without screaming or crying these people undressed, stood around by families, kissed each other, said farewells and waited for the nod of another SS-man, who stood near the excavation, also with a whip in his hand. During the 15 minutes that I stood near the excavation I have heard no complaint and no request for mercy. I watched a family of about 8 persons, a man and woman, both about 50 with their children of about 1, 8 and 10, and two grown-up daughters of about 20 to 24. An old woman with snow-white hair held the one year old child in her arms and sang for it, and tickled it. The child was squeaking from joy. The couple looked on with tears in their eyes. The father held the hand of a boy about 10 years old and spoke to him softly; the boy was fighting his tears. The father pointed toward the sky, fondled his hand, and seemed to explain something to him. At that moment the SS-man at the excavation called something to his comrades. The latter counted off about 20 persons and instructed them to walk behind the earth mound. Among them was the family which I had mentioned. I remember very well a girl, blackhaired and slender, passing near me; she pointed at herself and said, "23 years". I walked around the mound, and stood in front of a tremendous grave. Closely pressed together the people were lying on top of each other so that only their heads were visible. Several of the people shot still moved. Some lifted their arms and turned their heads to show that they were still alive. The excavation was alrady 2/3 full. I estimated that it contained about 1000 people. I looked for the man who did the shooting. I saw an SS-man who sat at the rim of the narrow end of the excavation, his feet dangling into the excavation. On his knees he had a machine pistol and he was smoking a cigarette. The completely naked people descended a stairway which was dug into the cla of the excavation and slipped over the heads of the people lying there already to the place to which the

H1221-0045

SS-man directed them. They laid themselves in front of the dead or injured people, some touched tenderly those who were still alive and spoke to them in a low voice. Then I heard a number of shots. I looked into the excavation and saw how the bodies jerked or the heads rested already motionless on top of the bodies that lay before them. Blood was running from their necks. I was surprised that I was not chased away, but I saw there were two or three postal officers in uniform nearby. Now already the next group approached, descended into the excavation, lined themselves up against the previous victims and was shot. When I walked back, around the mound, I noticed again a transport which had just arrived. This time it included sick and frail persons. An old, very thin woman with terribly thin legs was undressed by others who were already naked, while two persons held her up. Apparently the woman was paralyzed. The naked people carried the woman around the mound. I left with MOENNIKES and drove with my car back to Dubno.

2992-PS. Affidavit of Hermann GRAEBE, 10 November 1945.

There are two reports by STAHLECKER, the Chief of Einsatz Group B, available for this trial. The first report, found in HIMMLER's personal files, states that during the first four months of the Russian campaign Einsatz Group A murdered 135,000 Communists and Jews, and carried out widespread destruction of homes and villages and other vast crimes. Enclosure 8 to said STAHLECKER report is a careful survey of the number of persons murdered, classified as to country, and whether Jew or Communist, with totals given in each instance. This report discloses that the Einsatz Groups frequently enlisted the aid of the local populations in the extermination program. It states:

"In view of the extension of the area of operations and the great number of duties which had to be performed by the Security Police, it was intended from the very beginning to obtain the cooperation of the reliable population for the fight against vermin - that is, mainly the Jews and Communists."

L-180. Original report of STAHLECKER, Chief of Einsatz Group A.

With respect to extermination of Jews the report stated:

> "From the beginning it was to be expected that the Jewish problem could not be solved by pogroms alone. In accordance with the basic orders received, however, the cleansing activities of the Security Police had to aim at a complete annihilation of the Jews. Special detachments reinforced by selected units - in Lithouania partisan detachments, in Latvia units of the Latvian auxiliary police - therefore performed extensive executions both in towns and in rural areas. The actions of the execution detachments were performed smoothly....."

Enclosure 8, "Survey of the number of executed persons" is quoted directly from the report:

"Enclosure 8 Survey of the number of executed persons.

	Area	Jews	Communists	Total
	Kowno town and surroundings (land)	31,914	80	31,994
Lithuania	Schaulen	41,382	763	42,145
	Wilna	7,015	17	7,032
		80,311	860	81,171
	Riga town and surroundings (land)			6,378
	Mitau			3,576
Latvia	Libau			11,860
	Wolmar			209
	Dueanaburg	9,256		9,845
		30,025	589	31,868
Esthonia		474	684	1,158
White-Ruthenia		7,620		7,620
Total:	Lithuania	80,311	860	81,171
	Latvia	30,025	1,843	31,868
	Esthonia	474	684	1,158
	White-Ruthenia	7,620	---	7,620
		118,430	3,387	121,817

to be added to these figures:

In Lithuania and Latvia Jews annihilated by pogroms	5,500
Jews, Communists and partisans executed in old-Russian area	2,000
Lunatics executed	748
	122,455
Communists and Jews liquidated by State Pol. and Security Service Tilsit during search actions	5,502
	135,567"

L-180. Original report of STAHLECKER, Chief of Einsatz Group A.

H1221 - 0046

H1221 – 0047

VON DER EINSATZGRUPPE A DURCHGEFÜHRTE JUDENEXEKUTIONEN
PETERSBURG
KRASNOGWARDEISK
REVAL
963
JUDENFREI
3600
OSTSEE
I. DAGO
I. OSEL
ARENSBURG
RIGAER BUCHT
RIGA
GHETTO 2500
35,238
GHETTO 4500
SCHAULEN
DUNABURG
GHETTO 950
136,421
KAUEN
GHETTO 15,000
41,828
MINSK
GESCHATZTE ZAHL DER NOCH VORHANDENEN JUDEN 128,000

H1221-0048

The second report from Einsatz Group A reports the extermination of nearly 230,000 persons. With respect to Esthonia, it states in part.

> "Only by the SIPO and SD were the Jews gradually executed as they became no longer required for work. Today there are no longer any Jews in Esthoni

With respect to Latvia, the report states in part:

> "Up to October 1941 approximately 30,000 Jews had been executed by these Sonderkommandos. The remaining Jews who were still indispensable from the economic point of view were collected in Ghettos, which were established in Riga, Dünaburg and Libau."

With respect to Lithuania, the report states in part:

> "Therefore by means of selected units - mostly in the proportion of 1:8 - first of all the prisons, and then systematically, district by district, the Lithuanian sector was cleansed of Jews of both sexes. Altogether 136,421 people were liquidated in a great number of single actions.....As the complete liquidation of the Jewswas not feasible, as they were needed for labor, Ghettos were formed which at the moment are occupied as follows: Kauem approximately 15,000 Jews; Wilna approximately 15,000Jews; Schaulen approximately 4,500 Jews. These Jews are used primarily for work of military importance. For example up to 5000 Jews are employed in 3 shifts on the aerodrome near Kauen on earth-works and work of that sort.

With respect to White Russia, the report states in part:

> "In view of the enormous distances, the bad condition of the roads, the shortage of vehicles and petrol, and the small forces of Security Police and SD, it needs the utmost effort to be able to carry out shootings in the country. Nevertheless 41,000 Jews have been shot up to now."

With respect to Jews from the Reich, the report states in part

> "Since December 1940 transports containing Jews have arrived at short intervals from the Reich. Of these, 20,000 Jews were directed to Riga and 7,000 Jews to Minsk.....Only a small section of the Jews from the Reich is capable of working. About 70-80 per cent are women and children or old people unfit for work. The death rate is rising continually also, as a result of the extraordinarily bad winter.....In isolated instances sick Jews with contagious disease were selected under the pretext of putting them into a home for the aged or a hospital, and executed."

Attached as an enclosure to this report is a map entitled "Jewish Executions Carried out by Einsatzgruppe A," on which, by the use of coffins as symbols, the number of Jews murdered in each area covered by Einsatz Group A is shown. The map shows thousands of Jews in ghettos, and an estimated 128,000

H1221-0049

Jews "still on hand" in the Minsk area. Number of murdered, according to figures beside the coffins, during the period covered by this report, was 228,050.

2273-PS. Photostatic extract from report of Einsatz Group A.

On 30 October 1941 the Commissioner of the territory of Sluzk wrote a report to the Commissioner General, Minsk, in which he severely criticized the actions of the Einsatkommando operating in his area for the murder of all the Jews of Sluzk.

> "On 27 October in the morning at about 8 o'clock a first lieutenant of the police battalion No. 11 from Kauen (Lithuania) appeared and introduced himself as the adjutant of the battalion commander of th security police. The first lieutenant explained that the police battalion had received the assignment to effect the liquidation of all Jews here in the town o Sluzk, within two days. The battalion commander with his battalion in strength of four companies, two of which were made up of Lithuanian partisans, was on th march here and the action would have to begin instantly. I replied to the first lieutenant that I had to discuss the action in any case first with the command About half an hour later the police battalion arrived in Sluzk. Immediately after the arrival the conferen with the battalion commander took place according to my request. I first explained to the commander that it would not very well be possible to effect the acti without previous preparation, because everybody had been sent to work and that it would lead to terrible confusion. At least it would have been his duty to inform me a day ahead of time. Then I requested him to postpone the action one day. However, he rejected this with the remark that he had to carry out this action everywhere and in all towns and that only two days were allotted for Sluzk. Within these two days, the town of Sluzk had to be cleared of Jews by all means.....For the rest, as regards the execution of the action, I must point out to my deepest regret tha the latter bordered already on sadism. The town itse offered a picture of horror during the action. With indescribable brutality on the part of both the Germa police officers and particularly the Lithuanian partisans, the Jewish people, but also among them White Ruthenians, were taken out of their dwellings and herded together. Everywhere in the town shots were t be heard and in different streets the corpses of shot Jews accumulated. The White Ruthenians were in greatest distress to free themselves from the encircl ment. Regardless of the fact that the Jewish people, among whom were also tradesmen, were mistreated in a terribly barbarous way in the face of the White Ruthenian people, the White Ruthenians themselves were also worked over with rubber clubs and rifle butts. There was no question of an action against the Jews a more. It rather looked like a revolution.....In conclusion I find myself obliged to point out that the police battalion has looted in an unheard of manner during the action, and that not only in Jewish houses but just the same in those of the White Ruthenians.

H1221-0050

> Anything of use such as boots, leather, cloth, gold and other valuables, has been taken away. On the basis of statements of members of the armed forces, watches were torn off the arms of Jews in public, on the street, and rings were pulled off the fingers in the most brutal manner. A major of the finance department reported that a Jewish girl was asked by the police to obtain immediately 5,000 rubles to have her father released. This girl is said to have actually gone everywhere in order to obtain the money.
>
> 1104-PS. Report of Commissioner of the Territory of Sluzk, 30 October 1941.

This report was submitted by the Commissioner General of White Ruthenia to the Reich Commissioner for the Eastern Territories on 1 November 1941 with the following comment:

> "I am submitting this report in duplicate so that one copy may be forwarded to the Reich Minister. Peace and order cannot be maintained in White Ruthenia with methods of that sort. To bury seriously wounded people alive who worked their way out of their graves again is such a base and filthy act that the incident as such should be reported to the Fuehrer and Reich Marshal."
>
> 1104-PS. Letter of Commissioner General for White Ruthenia, 1 November 1941.

On the same date by separate letter the Commissioner General of White Ruthenia reported to the Reich Commissioner for the Eastern Territories that he had received money, valuables and other objects taken by the police in the action at Sluzk and other regions, all of which had been deposited with the Reich Credit Institute for the disposal of the Reich Commissioner.

> 1104-PS. Letter of 1 November 1941 from Commissioner General for White Ruthenia.

On 21 November 1941 a report on the Sluzk incident was sent to the personal reviewer of the permanent deputy of the Minister of the Reich with a copy to HEYDRICH, the Chief of the Security Police and SD.

> 1104-PS. Letter of 21 November 1941, to Dr. MARQUART.

On 6 November 1942 a secret report submitted to the Reich Commissar for the East concerning the struggle against partisans in the East discloses that destruction of villages continued, and reports the execution of 1,274 partisan suspects and 8,350 Jews, and the deportation of 1,217 people. This report was

H1221-0051

forwarded on 10 December 1942 to the Reich Minister for the occupied Eastern territories.

1113-PS. Original report of 6 November 1942 and forwarding letter of 10 December 1942 concernin action "Marshfever".

The report from the prison administrator at Minsk as of 31 May 1943 to the General Commissioner for White Ruthenia stat

"The German, former dentist Ernst Israel TICHAUE and his wife Elisa Sara TICHAUER, born Rosenthal, wei delivered to the Court-Prison by the SD (Hauptschar-fuehrer Rube) on 13 April 1943. Since that date, the golden bridge-work, crowns and fillings of the receiv German and Russian Jews were pulled out, respectively broekn out by force. This always happened 1-2 hours before the actions in question.

"Since 13 April 1943, 516 German and Russian Jew: were liquidated. After careful investigation it was ascertained that gold objects were only taken away during 2 actions, namely on 14 April 43 from 172 and on 27 April 43 from 164 Jews. About 50 per cent of the Jews had gold teeth, bridges or fillings. Haupt-scharguehrer Rube of the SD was always present in person, and also took the gold objects with him.

"This has not been done before 13 April 1943."

This report was forwarded to the Reich Minister for the occupied Eastern territories on 1 June 1943.

1475-PS. Report of 31 May 1943 and forwarding letter of 1 June 1943 concerning action against Jew: in Minsk prison camp.

Death vans were used by the Einsatz Groups to murder victi: by gas. These vans were built by the Saurer Works in Berlin an other firms. The vans were built for the technical section of Amt II of the RSHA, which sent them to the Einsatz Groups in the field. They were first used in the spring of 1942 and continued to be used throughout the war.

2348-PS. Affidavit of RAUFF, Head of Amt II D, 19 October 1945.

The method of using the vans is described by OHELNDORF in the following words:

"We received orders to use the cars for the killing of women and children. Whenever a unit had collected a sufficient number of victims, a car was sent for their liquidation. We also stationed these cars in the neighborhood of the transit camps to which the victims had been brought. They were told that the would be resettled and had to climb into the cars for that purpose. Then the doors were closed and as soon as the cars started moving the gas would enter. The

H1221-0052

victims died within ten to fifteen minutes. The cars were driven to the burial place, where the corpses were taken out and buried."

2620-PS. Affidavit of OHLENDORF, 5 November 1945.

A letter from BECKER, the operator of several death vans, written to RAUFF, the head of the technical section of Amt II of the RSHA, on 16 May 1942, states:

"The overhauling of vans by groups D and C is finished. While the vans of the first series can als be put into action if the weather is not too bad, the vans of the second series (Saurer) stop completely in rainy weather. If it has rained for instance for onl one-half hour, the van cannot be used because it simply skids away. It can only be used in absolutely dry weather. It is only a question now whether the van can only be used standing at the place of executi First the van has to be brought to that place, which is possible only in good weather. The place of execution is usually 10-15 km away from the highways and is difficult of access because of its location; in damp or wet weather it is not accessible at all. If the persons to be executed are driven or led to that place, then they realize immediately what is going on and get restless, which is to be avoided as far as possible. There is only one way left; to load them at the collecting point and to drive them to the spot

"I ordered the vans of group D to be camouflage as house-trailers by putting one set of window shutte on each side of the small van and two on each side of the larger vans, such as one often sees on farm-house in the country. The vans became so well-known, that not only the authorities but also the civilian population called the van "death van", as soon as one of these vehicles appeared. It is my opinion that the van cannot be kept secret for any length of time, not even camouflaged. ...

".....I should like to take this opportunity to bring the following to your attention: several commands have had the unloading after the application of gas done by their own men. I brought to the attentior of the commanders of those S.K. concerned the immense psychological injuries and damages to their health which that work can have for those men, even if not immediately, at least later on. The men complained to me about head-aches which appeared after each unloading.

".....The application of gas usually is not undertaken correctly. In order to come to an end as fast as possible, the driver presses the accelerator to the fullest extent. By doing that the persons to be executed suffer death from suffocation and not death by dozing off as was planned. My directions now have proved that by correct adjustment of the levers death comes faster and the prisoners fall asleep peace fully. Distorted faces and excretions, such as could be seen before, are no longer noticed."

501-PS. Letter from BECKER, 16 May 1942 to RAUFF, Head of Amt II D, and telegram in 1942 to RSHA II D.

H1221-0053

The death vans were not always satisfactory. A telegram from the commandant of the SIPO and SD "Ostland" to the RSHA, Amt II D, on 15 June 1942, states:

> "A transport of Jews, which has to be treated in a special way, arrives weekly at the office of the commandant of the Security Police and the Security Service of White Ruthenia.
>
> "The three S-vans, which are there, are not sufficient for that purpose. I request assignment of another S-van (5-tons). At the same time I request the shipment of 20 gas-hoses for the three S-vans on hand (2 Diamond, 1 Saurer), since the ones on hand are leaky already."

501-PS. Letter from BECKER, 16 May 1942 to RAUFF, Head of Amt II D, and telegram in 1942 to RSHA II D.

The reports of the various Einsatz Groups were summarized at RSHA and the summaries were then distributed to the various sections interested, particularly Amt III (the SD), Amt IV (the GESTAPO), and Amt V (the KRIPO).

2752-PS. Affidavit of Willy LITZENBERG, 8 November 1945.

One such report covering the period 1-31 October 1941 is entitled "Activity and Situation Report No. 6 of the Einsatz Groups of the Security Police and the SD in the USSR." This report describes in summary form the activities of the various Einsatz Groups during the month of October 1941. The report first discusses the stations and in that regard states:

> "During the period covered by this report the stations of the Task Forces of the Security Police and the SD have changed only in the Northern Sector.
>
> The present stations are:
>
> Task Force A: since 7 October 1941 Krasnowardeisk.
> Task Force B: continues in Smolensk.
> Task Force C: since 27 September 1941 in Kiew.
> Task Force D: since 27 September 1941 in Nikolajew.
>
> The Action and Special Commandos (Einsatz und Sonder Commandos) which are attached to the Task Force continue on the march with the advancing troops into the sectors which have been assigned to them."

The report next discusses the activities of each Einsatz Group. There is included first a discussion of the Baltic

H1221 - 0054

area, next of White Ruthenia, and last of the Ukraine. Under each section the work of the Einsatz Groups in connection with the action taken against partisans, Jews, and communist officials is considered. With respect to the treatment of Jews in the Baltic area the report states in part:

> ".....However, the Estonian Protective Corps (Selbtschutz), formed at the time of the entry of the Wehrmacht, immediately started a comprehensive arrest action of all Jews. This action was under the direction of the task force of the Security Police and the SD.
>
> "The measures taken were:
>
> 1. Arrest of all male Jews over sixteen.
> 2. Arrest of all Jewesses from 16-20 years, who lived in Reval and environs and were fit for work; these were employed in peat cuttin
> 3. Comprehensive detention in the synagogue of all Jewesses living in Dorpot and its environs.
> 4. Arrest of the Jews and Jewesses fit for work in Pernau and environs.
> 5. Registration of all Jews according to age, sex, and capacity for work for the purpose of their detention is a camp is being prepared.
>
> "The male Jews over 16 were executed with the exception of doctors and the elders. At the present time this action is still in progress. After completion of this action there will remain only 500 Jewesses and children in the Eastern territory....."

With respect to partisan activity in White Ruthenia, the report states in part:

> ".....In the village Michalowo, after careful reconnaissance through civilian agents, 8 partisans were surprised in a house by the same Commando of the Security Police and the SD, they were arrested and hanged the next day in this particularly partisan infested village.
>
> "The president of the District Region Soviets in Tarenitsch and his secretary were shot because of their connections with partisans.
>
> "During an action approximately 70 kilometers south of Mogilow, 25 Armenians, Kirghizs and Mongols were apprehended with false identification papers with which they tried to conceal the fact that they belong to a partisan group. They were liquidated....."

With respect to arrests and executions of communists in White Ruthenia, the report states in part:

H1221 - 0055

"A further large part of the activity of the Security Police was devoted to the combatting of Communists and criminals. A special Commando in the period covered by this report executed 63 officials, NKVD agents and agitators....."

With respect to the action taken against the Jews in White Ruthenia the report states in part:

".....All the more vigorous are the actions of the task forces of the Security Police and the SD against the Jews who make it necessary that steps be taken against them in different spheres.

"In Gorodnia 165 Jewish terrorists and in Tschenrigow 19 Jewish Communists were liquidated. 8 more Jewish communists were shot at Beresna.

"It was experienced repeatedly that the Jewish women showed an especially obstinate behaviour. For this reason 28 Jewesses had to be shot in Krugoje and 337 at Mogilew.

Doctors were executed.

"In Bobruisk 380 Jews were shot who had engaged to the last in incitement and horror propaganda (Hetz- und Greuelpropaganda) against the German army of occupation.

"In Tatarsk the Jews had left the Ghetto of their own accord and returned to their old home quarters, attempting to expel the Russians who had been quartered there in the meantime. All male Jews as well as 3 Jewesses were shot.

"In Sadrudubs the Jews offered some resistance against the establishment of a Ghetto so that 272 Jews and Jewesses had to be shot. Among them was a political Commissar.

MOGILOW

"In Mogilow too, the Jews attempted to sabotage their removal to the Ghetto. 113 Jews were liquidated.

"Moreover four Jews were shot on account of refusal to work and 2 Jews were shot because they had sabotaged orders issued by the German occupation authorities.

Wit

"In Talka 222 Jews were shot for anti-German propaganda and in Marina Gorka 996 Jews were shot because they had sabotaged orders issued by the German occupation authorities.

"At Schklow 627 more Jews were shot because they had participated in acts of sabotage.

Witebsk "On account of the extreme danger of an epidemic, a beginning was made to liquidate the Jews in the ghetto at Witebsk. This involved approximately 3000 Jews....."

H1221 - 0056

With respect to partisan activity in the Ukraine the report states in part:

> "Although partisan activity in the south sector is very strong too, there is nevertheless the impression that spreading and effective partisan activity are strongly affected by the flight of higher partisan leaders and by the lack of initiative of the subordinate leaders who have remained behind. Only in one case a commando of the Security Police and the SD succeeded in a fight with partisans in shooting the Secretary of the Communist Party for the administration district of Nikolajew-Cherson, who was at the time Commissar of a partisan group for the district Nikolajew-Cherson-Krim....."

With respect to treatment of Jews in the Ukraine the report states in part:

> "The embitterment of the Ukrainian population against the Jews is extremely great because they are thought responsible for the explosions in Kiew. They are also regarded as informers and agents of the NKVD who started the terror against the Ukrainian people. As a measure of retaliation for the arson at Kiew, all Jews were arrested and altogether 33,771 Jews were executed on the 29th and the 30th September. Money, valuables and clothing were secured and put at the disposal of the National-Socialist League for Public Welfare (NSV) for the equipment of the National Germans (Volksdeutschen) and partly put at the disposal of the provisional city administration for distribution to the needy population.
>
> Shitomir
>
> "In Shitomir 3145 Jews had to be shot, because from experience they have to be regarded as bearers of Bolshevik propaganda and saboteurs.
>
> Cherson
>
> "In Cherson 410 Jews were executed as a measure of retaliation for acts of sabotage. Especially in the area east of the Dnjepr the solution of the Jewish question has been taken up energetically by the task forces of the Security Police and the SD. The areas newly occupied by the Commandos were purged of Jews. In the course of this action 4891 Jews were liquidated. At other places the Jews were marked and registered. This rendered it possible to put at the disposal of the Wehrmacht for urgent labor, Jewish worker groups up to 1000 persons."

These reports, circulated among the various offices of the RSHA, brought general knowledge to the entire organization of the vicious program of mass murder conducted by these special task forces of the SIPO and SD.

R-102. Report No.6 on actions of Einsatz Groups in the USSR.

H1221 - 0057

The activities of the Einsatz Groups continued throughout 1943 and 1944 under KALTENBRUNNER as Chief of the SIPO and SD. New groups were formed and sent into action in the West.

2890-PS. Extracts from the Befehlsblatt of the SIPO and SD, 1944-45.

Under adverse war conditions, however, the program of extermination was to a large extent changed to one of rounding up slave labor for Germany. A letter written on 19 March 1943 from the headquarters of a Sonderkommando (section of Einsatz Group C) states as follows:

> "It is the task of the Security Police and of the Security Service (SD) to discover all enemies of the Reich and fight against them in the interest of security, and in the zone of operations especially to guarantee the securit of the army. Besides the annihilation of active opponents all other elements who, by virtue of their opinions or their past, may appear active as enemies under favorable conditions, are to be eliminated (sind...auszumerzen) through preventive measures. The Security Police carries out this task according to the general directives of the Fuehrer with all the required toughness. Energetic measures are especially necessary in territories endangered by the activity of hostile gangs. The competence of the Security Police within the zone of operations is based on the Barbarossa decrees. I deem the measures of the Security Police, carried out on a considerable scale during recent times, necessary for the two following reasons:
>
> 1) The situation at the front in my sector had become so serious that the population, partly influenced by Hungarians and Italians, who streamed back in chaotic condition, took openly position against us.
>
> 2) The strong expeditions of hostile gangs, who came especially from the forest of Bryansk, were another reason Besides that, other revolutionary groups, formed by the population, appeared suddenly in all districts. The providing of arms evidently provided no difficulties at all. It would have been irresponsible, if we had observed this whole activity without acting against it. It is obvious that all such measures bring about some harshness. I want to take up the significant points of harsh measures:
>
> 1) The shooting of Hungarian Jews
> 2) The shooting of directors of collective farms.
> 3) The shooting of children.
> 4) The total burning down of villages.
> 5) The "shooting, while trying to escape" of Security Service (SD) prisoners.
>
> Chief of Einsatz Group C confirmed once more the correctness of the measures taken, and expressed his recognition for the energetic actions.

H1221-0058

With regard to the current political situation, especially in the armament industry in the fatherland, the measures of the Security Police have to be subordinate to the greatest extent to the recruiting of labor for Germany. In the shortest possible time, the Ukraine has to put at the disposal of the armament industry 1 million workers, 500 of whom have to be sent from our territory daily.

The work of the field groups has therefore to be changed as of now. The following orders are given:

1) Special treatment is to be limited to a minimum.
2) The listing of communist functionaries, activists and so on, is to take place by roster only for the time being, without arresting anybody. It is, for instance, no longer feasible to arrest all the close relatives of a member of the communist party. Although, members of the Komsomolz are to be arrested only if they were active in a leading position.
3) The activity of the labor offices, respective of recruiting commissions, is to be supported to the greatest extent possible. It will not be possible always to refrai from using force. During a conference with the Chief of the Labor Commitment Staffs, an agreement was reached stating that wherever prisoners can be released, they shou be put at the disposal of the Commissioner of the Labor Office. When searching (Uberholung) villages, resp., when it has become necessary to burn down a village, the whole population will be put at the disposal of the Commissioner by force.
4) As a rule, no more children will be shot.
5) The reporting of hostile gangs as well as drives against them is not affected hereby. All drives against these hostile gangs can only take place after my approval has been obtained.
6) The prisons have to be kept empty, as a rule. We have to be aware of the fact that the Slavs will interpret all soft treatment on our part as weakness and that they will act accordingly right away. If we limit our harsh measures of security police through above orders for the time being, that is only done for the following reason. The most important thing is the recruiting of workers. No check of persons to be sent into the Reich will be made. No written certificates of political reliability check or similar things will be issued.

signed: CHRISTIANSEN

3012-PS. Original letter, 19 March 1943, signed CHRISTIANSEN.

The head of the Jewish section in the GESTAPO, and the man directly responsible for carrying out the mass extermination pr gram against the Jews by the GESTAPO, Obersturmbannfuehrer EICHMANN, estimated in his report to HIMMLER on the matter, tha 2,000,000 Jews had been killed by shootings, mainly by the Einsatz Groups of the SIPO and SD during the campaign in the East. This did not include the estimated 4,000,000 sent by the GESTAPO for extermination in annihilation camps.

2615-PS. Affidavit of Dr. Wilhelm HOETTL, 5 November 1945.

H1221 - 0059

B. The GESTAPO and SD stationed special units in prisoner of war camps for the purpose of screening out racial and political undesirables and executing them.

The program of mass murder of political and racial undesirables carried on against civilians was also applied to prisoners of war captured on the Eastern front. WARLIMONT, Deputy Chief of Staff of the Wehrmacht Fuehrungs Stab, states:

> "Shortly before the beginning of this campaign (with U.S.S.R.) I was present in a group composed of the Commanders in Chief (with their Chiefs of Staff) of the three armed forces, of the army groups, of armies, and of the corresponding groups in the air forces and navy. HITLER made an announcement to this group that special measures would have to be taken against political functionaries and commissars of the Soviet army. He said that this would not be an ordinary campaign but would be the clash of conflicting ideologies. He further said that the political functionaries and commissars were not to be considered as prisoners of war but were to be segregated from other prisoners immediately after their capture and were to be turned over to special detachments of the SD which were to accompany the German troops to Russia. He further said that when it was not possible to turn over the political functionaries and commissars to the SD, they were to be eliminated by the German troops."
>
> 2884-PS. Affidavit of Walter WARLIMONT, 14 November 1945.

The Chief of the SD, Otto OHOENDORF, describes this action in the following words:

> "In 1941, shortly after the start of the campaign against Russia, an agreement was entered into between the Chief of the Security Police and SD and the OKW and OKH to the effect that the prisoner of war camps on the Eastern front should be opened to Einsatzkommandos of the SIPO and SD so that the prisoners could be screened. All Jews and Communist functionaries were to be taken from the prisoner of war camps by the Einsatzkommandos and executed outside the camps. To my knowledge, this action was carried on throughout the entire Russian campaign. In the other occupied territories and within the Reich - to my knowledge - the GESTAPO had been made responsible for this program in the Russian prisoner of war camps. It was, to my knowledge, carried on throughout the greater part of the war."
>
> 2622-PS. Affidavit of Otto OHLENDORF, 5 November 1945.

H1221-0060

LAHOUSEN, chief of a division in the office of foreign intelligence in the Wehrmacht, states:

> "From the start of the campaign against the U.S.S.R. the higher German political and military leadership followed the policy of eliminating Russian commissars and various other types of Russian prisoners of war captured by the Wehrmacht. In June and July 1941 I participated in a conference which concerned itself with the treatment of Russian commissars.....Obergruppenfuehrer MUELLER was present as representative of the RSHA, and he participated in this matter because, as Chief of Section IV, he was responsible for the carrying out of these measures. Jointly with the SD and the GESTAPO he had the task of instituting the necessary measures for the execution of commissars.....In the discussion that followed, MUELLER promised in a peculiarly cynical manner that these executions would take place in the future outside the camp, so that the troops would not be obliged to watch them. He promised further a certain limitation in the concept of 'Bolshevistically infected'. This concept and its interpretation had been hitherto left to the discretion of the SD Sonderkommandos..... An agreement was concluded between the OKW, the GESTAPO and the SD. Pursuant to this agreement Russian prisoners of war under the control of the OKW were delivered to the GESTAPO and SD for execution. The term 'Sonderbehandlung' in the official documents and way of speaking of the SD was equivalent to 'condemned to death'.
>
> 2846-PS. Affidavit of Erwin LAHOUSEN, 19 November 1945.

On 17 July 1941 instructions were issued by the GESTAPO to Commandos of the SIPO and SD stationed in Stalags, providing in part as follows:

> "The activation of commandos will take place in accordance with the agreement of the Chief of the Security Police and Security Service and the Supreme Command of the Armed Forces as of 16 July 1941 (see enclosure 1). The commandos will work independently according to special authorization and in consequence of the general regulations given to them, in the limit of the camp organizations. Naturally, the commandos will keep close contact with the camp-commander and the defense-officers assigned to him.
>
> "The mission of the commandos is the political investigating of all camp-inmates, the elimination and further "treatment"
>
> a) of all political, criminal or in some other way unbearable elements among them.
> b) of those persons who could be used for the reconstruction of the occupied territories....
>
> "The commandos must use for their work as far as possible, at present and even later, the experiences of the camp-commanders which the latter have collected meanwhile from observation of the prisoners and examinations of camp inmates.

H1221 - 0061

"Further, the commandos must make efforts from the beginning to seek out among the prisoners elements which appear reliable, regardless if there are communists concerned or not, in order to use them for intelligence purposes inside of the camp and, if advisable, later in the occupied territories also.

"By use of such informers and by use of all other existing possibilities, the discovery of all elements to be eliminated among the prisoners, must proceed step by step at once....."

"Above all, the following must be discovered:
All important functionaries of state and party, especially
Professional revolutionaries
Functionaries of the Komintern
All policy forming party functionaries of the KPdSU and its fellow organizations in the central committees, in the regional and district committees.
All peoples-commissars and their deputies.
All former political commissars in the Red-Army
Leading personalities of the state-authorities of central and middle regions.
The leading personalities of the business world.
Members of the Soviet-Russian intelligence
All Jews
All persons who are found to be agitators or fanatical communists.....

"Executions are not to be held in the camp or in the immediate vicinity of the camp. If the camps in the general-government are in the immediate vicini of the border, then the prisoners are to be taken for special treatment, if possible, into the former Soviet-Russian territory....."

"In regard to executions to be carried out and to the possible removal of reliable civilians and the removal of informers for the Einsatz-group in the occupied territories, the leader of the Einsatz-Kommando (?) must make an agreement with the nearest State-Police-Office, as well as with the commandant of the Security Police Unit and Security Service and beyond these with the Chief of the Einsatz-group concerned in the occupied territories....."

502-PS. GESTAPO directive of 17 July 1941 for Kommando of SIPO and SD in Stalags

On 23 October 1941 the Camp Commander of the concentration camp Gross Rosen reported to MUELLER, Chief of the GESTAPO, a list of Russian PW's who had been executed the preceding day.

1165-PS. Letter of 23 October 1941 from Camp Commandant of concentration camp Cross Rosen.

On 9 November 1941 MUELLER issued a directive to all GESTAPO offices in which he ordered that diseased PW's should

H1221-0062

be excluded from the transport into the concentration camps for execution. The letter began:

> "The commandant of the concentration camps are complaining that 5 to 10 percent of the Soviet Russians destined for execution are arriving in the camps dead or half dead. Therefore the impression has arisen that the Stalags are getting rid of such prisoners in this way...."

1165-PS. Letter of 9 November 1941 from MUELLER to all GESTAPO offices.

The affidavit of Kurt LINDOW, former GESTAPO official, states:

> "...2. From 1941 until the middle of 1943 there was attached to subsection IV A 1 a special department that was headed by the Regierungsoberinspektor, later Regierungsamtmann, and SS-Hauptsturmbannfuehrer Franz KOENIGSHAUS. In this department were handled matters concerning prisoners of war. I learned from this department that instructions ans orders by Reichsfuehrer HIMMLER, dating from 1941 and 1942, existed according to which captured Sovietrussian political Commissars and Jewish soldiers were to be executed. As far as I know proposals for execution of such PW's were received from the various PW camps. KOENIGSHAUS had to prepare the orders for execution and submitted them to the chief of section IV, MUELLER, for signature. These orders were made out so that one order was to be sent to the agency making the request and a second one to the concentration camp designated to carry out the execution. The PW's in question were at first formally released from PW status, then transferred to a concentration camp for execution.....
>
> "...4. There existed in the PW camps on the Eastern front small screening teams (Einsatzkommandos) headed by lower ranking members of the Secret Police (GESTAP These teams were assigned to the camp commanders and had the job to segregate the PW's who were candidates for execution, according to the orders that had been given, and to report them to the Office of the Secret Police (Geheimes Staatspolizeiamt)....."

2542-PS. Affidavit of Kurt LINDOW, 30 September 1945.

C. The GESTAPO and SD sent recaptured prisoners of war to concentration camps where they were executed ("Bullet Decree").

In March 1944 the Chief of the Security Police and SD forwarded an OKW order to regional SIPO and SD offices in which the OKW ordered that, on recapture, every escaped officer and non-working NCO prisoner of war, with the exception of British and American prisoners of war, were to be handed over to the SIPO and SD, with the words "Stufe III". Whether escaped

H1221-0063

British and American officers and non-working NCOs, upon recapture, should be handed over to the SIPO and SD was to be decided by the High Command of the Army. In connection with this order, the Chief of the Security Police and SD (RSHA) issued instructions that the GESTAPO Leitstellen should take over the escaped officers from the camp commandants and transport them in accordance with a procedure theretofore in force to the Mauthausen concentration camp. The camp commandant was to be informed that the prisoners were being handed over under the operation "Kugel". On the journey the prisoners of war were to be placed in irons. The GESTAPO Leitstellen were to make half-yearly reports, giving numbers only, of the handing over of prisoners of war. Escaped officer and non-working NCO prisoners of war, with the exception of British and Americans, recaptured by police stations were not to be handed back to the Stalag command. The Stalag was to be informed of the recapture and asked to surrender them with the words "Stufe III".

1650-PS. Directive to all State Police Direstorates except Prague and Brunn from Chief of SIPO and SD by MUELLER, 4 March 1944.

On 27 July 1944 an order from the 6th Corps Area Command was issued on the treatment of prisoners of war, which provided that prisoners of war were to be discharged from prisoner-of-war status and transferred to the GESTAPO if they were guilty of crimes, had escaped and been recaptured, or refused to work or encouraged other prisoners not to work, or were screened out by Einsatzkommandos of the SIPO and SD, or were guilty of sabotage. No reports on transfers were required

1514-PS. Copy of order of 27 July 1944 from 6th Corps Area Command on treatment of prisoners of war.

This decree was known as the "Kugel Erlass" ("Bullet Decree"). Prisoners of war sent to Mauthausen concentration camp under it were regarded as dead to the outside world and were executed

2478-PS. Affidavit of Willy LITZENBERG, 4 November 1945.

2285-PS. Affidavit of Lt. Col. GAST and Lt. VEITH, 13 May 1945.

H1221-0064

D. The GESTAPO and SD were responsible for establishing and classifying concentration camps, and for committing racial and political undesirables to concentration and annihilation camps for slave labor and mass murder.

The first concentration camps were established in 1933 at Dachau in Bavaria and at Oranienburg in Prussia. The GESTAPO was given by law the responsibility of administering the concentration camps.

2108-PS. Decree for execution of law of 10 February 1936.

The GESTAPO had the sole authority to take persons into protective custody and orders for protective custody were carried out in the State concentration camps.

1723-PS. "Verfuegungen Anordnungen Bekanntgaben". Decrees, Orders, and Announcements, edited by the Party-Chancery, Volume II, p.437-439.

The GESTAPO issued the orders establishing concentration camps, transforming prisoner of war camps into concentration camps, designating concentration camps as internment camps, changing labor camps into concentration camps, setting up special sections for female prisoners, and so forth.

D-50. Photostat of order establishing a concentration camp at Lublin, dated 9 April 1943.
D-46. Copy of order designating Herztogenbosch as internment camp, 13 March 1943.

The Chief of the Security Police and SD ordered the classification of concentration camps according to the seriousness of the accusation and the chances for reforming the prisoners from the Nazi viewpoint. The concentration camps were classified as Classes I, II, or III. Class I was for the least

serious prisoners, and Class III for the most serious prisoners.

H1221-0065

1063A-PS. Order of Chief of SIPO and SD of 2 January 1941.

Regional offices of the GESTAPO had the authority to commit persons to concentration camps for short periods, at first 21 days and later 56 days, but all other orders for protective custody had to be approved by the GESTAPO headquarters in Berlin. Orders for protective custody issued by GESTAPO headquarters had to be signed by or on behalf of the Chief of the Security Police and SD, at first HEYDRICH, later KALTENBRUNNER.

2477-PS. Affidavit of Willy LITZENBERG, 4 November 1945.

The Chief of the Security Police and SD had authority to fix the length of the period of custody. During the war it was the policy not to permit the prisoners to know the period of custody and merely to announce the term as "until further notice".

1531-PS. Letter, 26 October 1939, from RSHA signed MUELLER "by order".

The local GESTAPO offices which made the arrests maintained a register called the "Haftbuch". In this register the names of all persons arrested were listed, together with personal data, grounds for the arrest, and disposition. When orders were received from the GESTAPO headquarters in Berlin to commit persons who had been arrested to concentration camps, an entry was made in the Haftbuch to that effect. The reason assigned for the arrest and commitment of persons to concentration camps usually was that, according to the GESTAPO, the person endangered by his attitude the existence and security of the people and the State. Further specifications of grounds included such offenses as that of "working against the Greater German Reich with an illegal resistance organization," "being a Jew," "suspected of working for the detriment of the Reich," "being strongly suspected of aiding desertion," "because as a relative of a deserter he is expected to take advantage of every occasion to harm the German Reich," "refusal to work," "sexual intercourse with a Pole," "religious propaganda," "working agai

H1221-0066

Reich," "loafing on the job," "defeatist statements." Sometimes specification of the grounds simply referred to an "action," under which a large number of persons would be arrested and sent to concentration camps.

L-358. Original Haftbuch, Tomaszow-Maz, Poland, 1943.
L-215. File of original orders for commitments to concentration camps.

On 16 December 1942, MUELLER, Chief of the GESTAPO, reported that, in connection with an increase in slave labor required by concentration camps by 30 January 1943, the GESTAPO could round up 45,000 Jews, including invalids, aged and children. The telegram stated:

> "In accordance with the increased recruitment of manpower into the concentration camps, which was ordered by 30 January 1943, the following may be applied in the Jewish sector.
> 1. Total amount: 45,000 Jews
> 2. Start of transportation 11 January 1943
> 3. Completion of transportation 31 January 1943.

(Auschwitz was one of the camps used for the extermination of Jews).

1472-PS. Copy of telegram sent by MUELLER on 16 December 1942.

On 17 December 1942, MUELLER issued an order to the Kommandeurs and Inspekteurs of the SIPO and SD and to the directors of the GESTAPO regional offices, in which he stated that HIMMLER, Reichsfuehrer SS and Chief of the German Police, had given orders on 14 December 1942 that at least 35,000 persons who were fit for work had to be put into concentration camps not later than at the end of January. The order further provided that Eastern or foreign workers who had escaped or broken the labor contracts were to be sent to the nearest concentration camps as quickly as possible, and that inmates of detention rooms and educational work camps who were fit for work should be delivered to the nearest concentration camps.

1063D-PS. Copy of MUELLER's order of 17 December 1942

On 23 March 1943, MUELLER issued another directive referring to said directive of 17 December 1942, in which he stated that measures are to be carried out until 30 April 43. More explicit instructions were given as to which concentration camps the slave laborers were to be sent. He said:

H1221-0067

"Care has to be taken that only prisoners who are fit for work are sent to concentration camps, and adolescents only in accordance with the provisions issued; otherwise, contrary to the purpose, the concentration camps become overburdened."

L-41. Copy of MUELLER's order of 23 March 1943.

On 25 June 1943, MUELLER issued an order stating that the decrees of 17 December 1942 and of 23 March 1943 had achieved the intended goal.

1063E-PS. Copy of MUELLER's order of 25 June 1943.

On 21 April 1943, the Minister of Justice declared in a letter that the RSHA had ordered on 11 March 1943 that all Jews who were released from prison were to be handed over to the GESTAPO for life-long detainment in the concentration camps at Auschwitz and Lublin. Poles released after an imprisonment of over six months were to be transferred to the GESTAPO for internment in a concentration camp for the duration of the war.

701-PS. Copy of letter of 21 April 1943, referred to above.

The arrest of Jews and their shipment to annihilation camps was carried out under the direction of EICHMANN, head of the section handling Jews in the GESTAPO. EICHMANN's staff was composed of members of the SIPO, especially the GESTAPO. The Jews were shipped on order of the SIPO and SD to annihilation camps in the East. EICHMANN estimated, and so reported to HIMMLER, that 4,000,000 Jews were killed in the annihilation camps in the East, in addition to the 2,000,000 Jews shot by the Einsatz Groups. The extermination of Jews in the annihilation camps was accomplished mainly after the beginning of 1943, during the time KALTENBRUNNER was the Chief of the Security Police and SD.

2615-PS. Affidavit of Dr. Wilhelm HOETTL, 5 November 1945.

E. The GESTAPO and the SD participated in the deportation of citizens of occupied countries for forced labor and handled the disciplining of forced labor.

On 26 November 1942, Fritz SAUCKEL transmitted a letter to the president of provincial employment offices in which he stated that he had been advised by the Chief of the Security Police and SD (RSHA) under date of 26 October 1942 that during the month of November the evacuation of Poles in the Lublin district would begin in order to make room for the settlement of persons of the German race. The Poles who were evacuated as a result of this measure were to be put into concentration camps for labor so far as they were criminal or asocial. The remaining Poles who were suitable for labor were to be transported without their families into the Reich, there to be put at the disposal of the Labor Allocation Offices to serve as replacements for Jews eliminated from the armament factories.

L-61. Original letter, 26 November 1942, signed SAUCKEL.

During 1943 the program of mass murder carried out by the Einsatz Groups in the East was modified, and orders were issued to round up hundreds of thousands of persons for the armament industry. Force was used when necessary. Prisoners were released so that they could be used for forced labor. When villages were burned down the whole population was put at the disposal of the labor commissioners.

3012-PS. Original letter, 19 March 1943, signed CHRISTIANSEN.

On 18 June 1941 secret orders were issued from the Chief of the Security Police and SD, signed by MUELLER, to prevent the return of Eastern emigrants and civilian workers from the Reich to the East, and to keep them in German war production. Any attempts at refusal to work were to be countered by the

H1221-0068

H1221 - 0069

GESTAPO with the severest measures, arrest and confinement in concentration camps.

1573-PS. Copy of orders, 18 June 1941, signed MUELLER

The Chief of the Security Police and SD had exclusive jurisdiction over labor reformatory camps established under control of the GESTAPO for disciplining foreign workers.

1063B-PS. Copy of letter re establishment of labor reformatory camps, 26 July 1943, signed KALTENBRUNNER.

F. The GESTAPO and SD executed captured commandos and paratroopers, and protected civilians who lynched Allied flyers.

On 4 August 1942 KEITEL issued an order which provided that the GESTAPO and SD were responsible for taking countermeasures against single parachutists or small groups of them with special missions. Even if such paratroopers were captured by the Wehrmacht, they were to be handed over to the GESTAPO and the SD.

553-PS. Printed copy of KEITEL's secret order of 4 August 1942.

On 18 October 1942, HITLER ordered that all members of Commando units, even when in uniform, or members of sabotage groups, armed or not, were to be exterminated to the last man by fighting or by pursuing them. Even if they wished to surrender, they were not to be spared. Members of such Commandos, acting as agents, saboteurs, etc., handed to the Wehrmacht through other channels, were to be turned over immediately to the SD.

498-PS. Original Top Secret Order of 18 October 1942, issued by HITLER.

On 17 June 1944, the Chief of the Security Police and SD, in a Top Secret letter to the Supreme Command of the Armed Forces, stated that he had instructed the Commander of the SIPO and SD in Paris to treat parachutists in English uniform as members of Commando operations in accordance with HITLER's order of 18 October 1942.

H1221-0070

1276-PS. Top Secret letter of 17 June 1944 from Chief of SIPO and SD, by MUELLER re HITLER's order of 18 October 1942.

On 26 June 1944, WFST issued an order in which it was stated that enemy paratroopers landing in Brittany were to be treated as commandos, and that it was immaterial whether the paratroopers were in uniform or civilian clothes. The order provided that in cases of doubt enemy soldiers who were captured alive were to be handed over to the SD for examination as to whether the Fuehrer Order of 18 October 1942 was to be applied or not.

532-PS. Copy of letter of 26 June 1944, referred to above.

Commandos turned over to the SIPO and SD under these orders were executed.

526-PS. Top Secret notice on saboteurs, 10 May 1943.
2374-PS. Affidavit of Rudolf MILDNER, 27 June 1945.

The affidavit of Adolf ZUTTER, former adjutant of Mauthausen concentration camp, states in part:

> ".....Concerning the American Military Mission, which landed behind the German front in the Slovakian or Hungarian area in January, 1945, I remember, when these officers were brought to Camp Mauthausen; I suppose the number of the arrivals were about 12 to 15 men. They wore a uniform which was American or Canadian; brown-green color, shirt and cloth cap. Eight or ten days after their arrival the execution order came in by telegraph or teletype. Standartenfuehrer ZIEREIS came to me into my office and told me now KALTENBRUNNER has given the permission for the execution. This letter was secret and had the signature: signed KALTENBRUNNER. Then, these people were shot according to martial law and their belongings were given to me by 1st Sgt. (Oberscharfuehrer) NIEDERMEYER....."

L-51. Affidavit of Adolf ZUTTER, 2 August 1945.

On 10 August 1943, HIMMLER issued an order to the Security Police stating that it was not the task of the Police to interfere in clashes between Germans and English and American terror flyers who had bailed out.

R-110. Original of HIMMLER's order, 10 August 1943.

In 1944 at a conference of Amt Chiefs KALTENBRUNNER said:

H1221-0071

"All offices of the SD and the security police are to be informed that pogroms of the populace against English and American terror-flyers are not to be interfered with; on the contrary, this hostile mood is to be fostered."

2990-PS. Affidavit of SCHELLENBERG, 18 November 194

On 12 June 1944 the Chief of the SD-Abschnitte Koblenz stated that the Army had issued a similar order, namely, that German soldiers were not to protect enemy flyers from the populace and that the Army no longer attached value to enemy flyers taken prisoner.

745-PS. Copy of letter, 12 June 1944, from Chief of SD-Abschnitte, Koblenz.

B. The GESTAPO and SD took civilians of occupied countries to Germany for secret trial and punishment ("Nacht und Nebel Erlass").

On 7 December 1941 HITLER issued the directive, since called the "Nacht und Nebel Erlass" (Night and Fog Decree), under which persons who committed offenses against the Reich or occupation forces in occupied territories, except where death sentence was certain, were to be taken secretly to Germany and surrendered to the Security Police and SD for trial or punishment in Germany. An executive ordinance was issued by KEITEL on the same date, and on 4 February 1942 the directive and ordinance were published to the police and the SS.

L-90. Decrees of 7 December 1941 and 12 December 1941, signed by KEITEL.

In compliance with the above directive, the military intelligence turned over cases, other than those in which the death sentence was probable, to the GESTAPO and the Secret Field Police for secret deporting to Germany.

833-PS. Instructions of 2 February 1942 by Admiral CANARIS, Head of the Abwehr.

After the civilians arrived in Germany, no word of the disposition of their cases was permitted to reach the country from which they came, or their relatives. Even when they died await trial, the SIPO and SD refused to notify the families, so that anxiety would be created in the minds of the family of the arrested person.

668-PS. Letter, 24 June 1942, from SIPO and SD to OKW.

H1221-0072

H. The GESTAPO and SD arrested, tried, and punished citizens of occupied territories under special criminal procedure and by summary methods.

The GESTAPO arrested, placed in protective custody, and executed civilians of occupied territories under certain circumstances. Even where there were courts capable of handling emergency cases, the GESTAPO conducted its own executions without regard to normal judicial processes.

674-PS. Letter from the President of the High District Court of Kattowitz to the Reich Ministry of Justice re executions being carried out by GESTAPO without judicial process, 3 December 1941.

On 18 September 1942, THIERACK, the Reich Minister of Justice, and HIMMLER came to an understanding by which anti-social elements were to be turned over to HIMMLER to be worked to death, and a special criminal procedure was to be applied by the police to the Jews, Poles, Gypsies, Russians, and Ukrainian who were not to be tried in ordinary criminal courts.

654-PS. THIERACK's notes re discussion with HIMMLER, 18 September 1942.

On 5 September 1942 an order was issued by the RSHA to the offices of the GESTAPO and SD covering this understanding. This order provided that ordinary criminal procedure would not be applied against Poles, Jews, Gypsies and other Eastern people, but that instead they would be turned over to the police. Such persons of foreign extraction were to be treated on a basis entirely different from that applied to Germans.

...."Such considerations which may be right for adjudicating a punishable offence committed by a German are, however, wrong for adjudicating a punishable offence committed by a person of alien race. In the case of punishable offences committed by a person of alien race the personal motives actuating the offender must be completely eliminated. The only standard may be that German civil order is endangered by his action, and that consequently preventive measures must be taken to prevent the recurrence of such risks. In other words, the action of a person of alien race is not to be viewed from the angle of judicial expiation, but from the angle of the police guard against danger.

H1221-0073

"As a result of this, the administration of penal law for persons of alien race must be transferred fro the hands of the administrators of justice into the hands of the police."....

L-316. Order of RSHA of 5 September 1942 signed by STRECKENBACH.

I. The GESTAPO and SD executed or confined persons in concentration camps for crimes allegedly committed by their relatives.

On 19 July 1944, the Commander of the SIPO and SD for the District Radom published an order transmitted through the Higher SS and Police Leaders to the effect that in all cases of assassination or attempted assassination of Germans, or where saboteurs had destroyed vital installations, not only the guilty person but also all his (or her) male relatives should be shot and the female relatives over sixteen years of age put into a concentration camp.

L-37. Letter of 19 July 1944 by Commander, SIPO and SD, Radom.

In the summer of 1944, the Einsatzkommando of the SIPO and SD at Luxembourg caused persons to be confined at Sachsenhausen concentration camp because they were relatives of deserters and were, therefore, "expected to endanger the interest of the German Reich if allowed to go free."

L-215. Original dossiers of Luxembourgers committed to concentration camps in 1944.

J. The GESTAPO and SD were instructed to murder prisoners in the SIPO and SD prisons to prevent their release by the Allied armies.

On 21 July 1944, the Kommandeur of the SIPO and SD for the District Radom forwarded an order of the Befehlshaber of the SIPO and SD to the effect that it was essential that the number of inmates of the SIPO and SD prisons be kept as low as possible Inmates were to be subjected only to short formal interrogations and then to be sent by the quickest route to concentration camps Preparations were to be made for total clearance of the prisons should the situation at the front necessitate such action. In the case of sudden emergency precluding the evacuation of the

H1221-0074

prisoners, they were to be shot and their bodies buried or otherwise disposed of, the buildings to be dynamited, and so forth. In similar circumstances, the Jews who were still employed in the armament industries or in other work were to be dealt with in the same way. The liberation of prisoners or Jews by the enemy was to be avoided at all costs.

L-53. Letter of 21 July 1944 from Kommandeur, SIPO and SD, Radom.

K. The GESTAPO and the SD participated in the seizure and spoliation of public and private property.

In connection with the program for the mass extermination of Jews and Communist functionaries, the GESTAPO and the SD seized all personal effects of the persons executed or murdered. On the eastern front the victims were required not only to give up all their personal possessions, but even to remove their outer garments prior to being murdered.

2620-PS. Affidavit of Otto OHLENDORF, 15 November 1945.

In connection with the program of confiscation of scientific, religious and art achives and objects, an agreement was entered into between ROSENBERG and HEYDRICH, under which the SD and ROSENBERG were to cooperate closely in the confiscation of public and private collections.

071-PS. Copy of letter from ROSENBERG to BORMANN, dated 23 April 1941.

L. The GESTAPO and SD conducted third degree interrogations.

On 26 October 1939 an order to all GESTAPO offices from the RSHA signed MUELLER, "by order", in referring to execution of protective custody during the war, stated in part:

> "In certain cases, the Reichsfuehrer SS and Chief of the German Police will order flogging in addition to detention in a concentration camp. Orders of this kind will, in the future, also be transmitted to the State Police District Office concerned. In this case, too, there is no objection to spreading the rumour of this increased punishment....."

1531-PS. Directive of the RSHA, signed MUELLER, "by order", 26 October 1939.

H1221-0075

On 12 June 1942 the Chief of the Security Police and SD, through MUELLER, published an order authorizing the use of third degree methods in interrogating where preliminary investigation indicates that the prisoner could give information on important facts such as subversive activities, but not to extort confessions of the prisoner's own crimes. The order stated in part:

> "....2. Third degree may, under this supposition, only be employed against Communists, Marxists, Jehovah's Witnesses, saboteurs, terrorists, members of resistance movements, parachute agents, anti-social elements, Polish or Soviet-Russian loafers or tramps. In all other cases, my permission must first be obtained.
>
> "....4. Third degree can, according to the circumstances, consist amongst other methods, of:
> very simple diet (bread and water)
> hard bunk
> dark cell
> deprivation of sleep
> exhaustive drilling
> also in flogging (for more than 20 strokes a doctor must be consulted)."

1531-PS. Directive of the Chief of the SIPO and SD, by MUELLER, 12 June 1942.

On 24 February 1944 the Kommandeur of the SIPO and SD for the district Radom, "in view of the variety of methods used to date in third-degree interrogations and in order to avoid excesses," published an order issued by the BdS Cracow based on regulations in force for the Reich which followed closely the limitations laid down in the above decree of 12 June 1942.

L-89. Top Secret letter issued by the Kommandeur of the SIPO and SD, District Radom, 24 February 1944.

H1221-0076

VII. CRIMES OF THE GESTAPO AND SD AGAINST HUMANITY

THE GESTAPO AND THE SD COMMITTED CRIMES AGAINST HUMANITY AS SPECIFIED IN COUNT THREE OF THE INDICTMENT.

A. The GESTAPO and the SD were primary agencies for the persecution of the Jews.

The persecution of the Jews under the Nazi regime is a story of increasingly severe treatment, beginning with restrictions, then seizure and spoliation of property, commitment to concentration camps, deportation, slave labor, and finally mass murder. The responsibility of the GESTAPO and the SD for the mass extermination program carried out by the Einsatz Groups of the SIPO and SD and in the annihilation camps to which Jews were sent by the SIPO and SD has been considered in sections VI A and VI D of this brief. In this section, the place of the GESTAPO and SD in the development of this persecution will be treated.

Section B of the SD dealt with problems of nationality, including minorities, race and national health, immigration and resettlement. Section B 4 of the GESTAPO, headed by EICHMANN, dealt with Jewish affairs, including matters of evacuation, means of suppressing enemies of the people and State, and dispossession of rights of German citizenship. One of the functions of the SD was to furnish information concerning the Jews to the GESTAPO. One of the functions of the GESTAPO was to carry out the Nazi program of persecution of the Jews.

L-185. Organization plan of the RSHA, 1 January 1941.
L-219. Organization plan of the RSHA, 1 October 1943.

The GESTAPO was charged with the enforcement of discriminatory laws, such as preventing Jews from engaging in business,

H1221-0077

restricting their right to travel, and prohibiting them from associating with Gentiles. Violations of such restrictions resulted in protective custody and confinement in concentration camps by the GESTAPO.

L-217. GESTAPO order of 20 November 1936, re Jewish trade and business.
L-152. Copies of RSHA order re fraternization of Jews and Aryans, 3 November 1941.
L-167. Copies of orders of Reich Ministry of Interior re use by Jews of public transportation, 24 March 1942.

The Chief of the Security Police and SD ordered the GESTAPO and the SD to supervise the anti-Jewish pogrom staged in November 1938 following the vom Rath incident in Paris. As many Jews were to be arrested in all districts as the available jail-space would hold. Well-to-do Jews were to be singled out for arrest, and primarily only healthy male adults of not too advanced age. Immediately after completion of the arrests, the competent concentration camp was to be notified in order to provide for speediest transfer of Jews to the camp.

3051-PS. Three teletypes concerning anti-Jewish action of 10 November 1938.

On 11 November 1938 HEYDRICH reported to GOERING by secret express letter on the results of the action as reported by the GESTAPO. The report stated in part:

> ...."The extent of the destruction of Jewish shops and houses cannot yet be verified by figures. The figures given in the reports: 815 shops destroyed, 171 dwelling-houses set on fire or destroyed, only indicate a fraction of the actual damage caused, as far as arson is concerned. Due to the urgency of the reporting, the reports received to date are entirely limited to general statements such as "numerous" or "most shops destroyed". Therefore the figures given must have been exceeded considerably.
>
> "191 synagogues were set on fire, and another 76 completely destroyed. In addition 11 parish halls, (Gemeindehauser) cemetery chapels and similar buildings were set on fire and 3 more completely destroyed.
>
> "20,000 Jews were arrested, also 7 Aryans and 3 foreigners. The latter were arrested for their own safety.
>
> "36 deaths were reported and those seriously injured were also numbered at 36. Those killed and

H1221 - 0078

injured are Jews. One Jew is still missing. The Jews killed include one Polish national, and those injured include 2 Poles."

3058-PS. Express letter from HEYDRICH to GOERING, 11 November 1938 re Action against the Jews.

On 31 July 1941 GOERING sent the following order to the Chief of the Security Police and SD, HEYDRICH:

"Complementing the task that was assigned to you on 24 January 1939, which dealt with arriving at a solution of the Jewish problem through furtherance of emigration and evacuation as advantageous as possible, I hereby charge you with making all necessary preparations in regard to organizational and financial matters for bringing about a complete solution of the Jewish question in the German sphere of influence in Europe."

710-PS. Copy of letter from GOERING to HEYDRICH, 31 July 1941.

In February or March 1943, according to Gottfried BOLEY, Ministerialrat in the Reich Chancery, a conference on the solution of the Jewish problem, attended by representatives of the ministries, was called by KALTENBRUNNER as Chief of the Security Police and SD. BOLEY states:

"The meeting was presided over by EICHMANN who had charge of Jewish problems in the GESTAPO. In his opening remarks EICHMANN referred to former conferences that had taken place in the office of the Chief of the Security Police and the SD, and that on this occasion he wished to discuss the matter in a more basic manner. He stated that the Jewish question had to be solved in a quick and proper way. Representatives of the Chief of the Security Police and SD who attended the conference made it clear to those present that the remaining Jews had to be sent forcib to concentration camps or be sterilized. Those present at the conference must have carried away the impression that the objectives were the extermination of the Jewish people."

2645-PS. Affidavit of Gottfried BOLEY, 14 November 1945.

The deportation of Jews into concentration camps was part of the program for slave labor. Jews not fit for work were screened out at extermination centers, such as Auschwitz, and the remainder were taken into concentration and work camps. The orders were issued by HIMMLER and passed through the Chief of the Security Police and SD, KALTENBRUNNER (formerly HEYDRICH)

H1221 - 0079

to MUELLER, Chief of the GESTAPO, and then to EICHMANN for execution.

2376-PS. Rudolf MILDNER affidavit, 23 June 1945.
1472-PS. Secret telegram by MUELLER, 16 December 1942.

In Galicia, the deportation of Jews was carried out during the period from April 1942 to June 1943. At the end of that time Galicia had been entirely cleared of Jews. In all 434,392 Jews were deported from Galicia alone. In connection with the deportations, Jewish property was confiscated, including furniture, clothing, money, dental fillings and gold teeth, wedding rings, and other personal property of all kinds. The Security Police participated in this action along with other police and SS detachments.

L-18. Report from Lt. General of Police to General of Police, KRUEGER, on solution of Jewish problem in Galicia, c.June 1943.

In Warsaw the Security Police played a responsible role in the segregation of the Jews and placing them in the Ghetto, in the subsequent removal of the Jews to concentration camps and in the final clearance of the Ghetto. The Ghetto was established in November of 1940. Over 300,000 Jews were deported from it between July and October 1942, and 6,500 more were deported in January 1943. In April and May, 1943, the final clearance of the Ghetto was accomplished under the direction of the SS and Police Leader of the Warsaw area, and with units of the SIPO, Waffen SS, Order Police and some military and Polish police units. Thousands of Jews were killed in the action. About 7,000 were transported to "T.II" where they were esterminated. The remaining 40,000 to 45,000 were placed in concentration camps.

1061-PS. Official report of STROOP, SS and Police Leader of Warsaw on clearance of Warsaw Ghetto, 1943.

H1221-0080

In Denmark the Kommandeur of the SIPO and SD was ordered in September of 1943 to arrest all Danish citizens of Jewish belief and send them to Stettin by ship and from there to the concentration camp at Theresienstadt. In spite of the protests of the Kommandeur of the SIPO and SD, KALTENBRUNNER as Chief of the Security Police and SD gave direct orders to carry out the anti-Jewish action. EICHMANN, Head of the Jewish section in the GESTAPO, had direct charge of the clearance program.

2375-PS. Affidavit of Rudolf MILDNER, 22 June 1945.

In Hungary the deportation of Jews was again carried out by EICHMANN. This action took place under direction of the GESTAPO after the German occupation of Hungary in March, 1944. About 450,000 Jews were deported from Hungary due to the pressure and direction of the GESTAPO.

2605-PS. Affidavit of Dr. Rudolf KASTNER, September 1945.

B. The GESTAPO and the SD were primary agencies for the persecution of the Churches.

The fight against the Churches was never brought out into the open by the GESTAPO and the SD as in the case of the persecution of the Jews. The struggle was designed to weaken the Churches and to lay a foundation for the ultimate destruction of the confessional Churches after the end of the war.

1815-PS. Original GESTAPO file of reports and orders re surveillance of churches by GESTAPO and SD, 1941.

Section C 2 of the SD dealt with education and religious life. Section B 1 of the GESTAPO dealt with political Catholicism. Section B 2 with political Protestantism sects, and Section B 3 with other churches and Freemasonry.

L-185. Organization chart of the RSHA as of 1 January 1941.

As early as 1934 the GESTAPO enforced restrictions against the Churches. As order by the State Police of Dusseldorf prohibited the churches from engaging in public activities, especially public appearances in groups, sports, hikes, and the

H1221-0081

establishment of holiday or outdoor camps.

R-145. Order of State Police Dusseldorf 28 May 1934.

In 1934 the Bavarian Political Police placed three ministers in protective custody for refusing to carry out the order of the Government to ring church bells on the occasion of the death of HINDENBURG.

1521-PS. Original report from Bavarian Political Police to GESTAPO in Berlin, 24 August 1934.

The GESTAPO dissolved those church organizations which it considered to have political objectives. In 1938 the GESTAPO at Munich dissolved by order the Guild of the Virgin Mary of the Bavarian dioceses.

1481-PS. Copy of order of GESTAPO, Munich, 20 January 1938.

An insight into the hidden objectives and secret methods of the GESTAPO and the SD in the fight against the churches is disclosed in the file of the GESTAPO regional office at Aachen.

1815-PS. Original GESTAPO file of report re surveillance of churches by GESTAPO and SD, 1941.

On 12 May 1941 the Chief of the GESTAPO issued a directive in which he reported that the Chief of the Security Police and SD had issued an order under which the treatment of church politic which had theretofore been divided between the SD and the GESTA was to be taken over entirely by the GESTAPO. The SD "church specialists" were to be temporarily transferred to the same posts in the GESTAPO and operate an intelligence service in the church political sphere there. SD files concerning church political opposition were to be handed over to the GESTAPO, but the SD was to retain material concerning the confessional influence on the lives of the people.

On the 22nd and 23rd of September 1941 a conference of church specialists attached to GESTAPO regional offices was held in the lecture hall of the RSHA in Berlin. The notes on the speeches delivered at this conference indicate that the GESTAPO

H1221 - 0082

considered the church as an enemy to be attacked with determination and "true fanaticism". The immediate objective of the GESTAPO was stated to be to insure that the Church did not win back any lost ground; the ultimate objective was stated to be the destruction of the confessional Churches. This was to be brought about by the collection of material through the GESTAPO church intelligence system to be produced at a proper time as evidence for the charge of treasonable activities during the German fight for existence.

The executive measures to be applied by the GESTAPO were discussed. It was stated that it was impractical to deal with political offences under normal legal procedure owing to lack of political perception which prevailed among the legal authorities. The so-called "Agitator-Priests", therefore, had to be handled by GESTAPO measures, and when necessary removed to a concentration camp. The following punishments were to be applied to priests according to individual circumstances: warning, fine, forbidden to preach, forbidden to remain in parish, forbidden all activity as a priest, short-term arrest, protective custody. Retreats, youth and recreational camps, evening services, processions and pilgrimages were all to be forbidden on grounds of interfering with the war effort, blackouts, over-burdened transportation, etc.

In executing this program close cooperation was required between the GESTAPO and the SD. The study and treatment of the Church in its opposition to the Nazi state was the responsibility of the GESTAPO. The result of this treatment of the Church in the sphere of "religious life" remained the province of the SD. By these means the GESTAPO and the SD carried on the struggle of the Nazi conspirators against the Church.

H1221-0083

The evidence shows that the GESTAPO was created by the defendant GOERING in Prussia in April 1933 for the specific purpose of serving as a police agency to strike down the actual and ideological enemies of the Nazi regime, and that henceforward the GESTAPO in Prussia and in the other States of the Reich carried out a program of terror against all who were thought to be dangerous to the domination of the conspirators over the people of Germany. Its methods were utterly ruthless. It operated outside the law and sent its victims to the concentration camps. The term "GESTAPO" became the symbol of the Nazi regime of force and terror.

Behind the scenes, operating secretly, the SD, through its vast network of informants, spied upon the German people in their daily lives, on the streets, in the shops and even within the sanctity of the churches.

The most casual remark of a German citizen might bring him before the GESTAPO where his fate and freedom were decided without recourse to law. In this government in which the rule of law was replaced by a tyrannical rule of men, the GESTAPO was the primary instrumentality of oppression.

The GESTAPO and the SD played an important part in almost every criminal act of the conspiracy. The category of these crimes, apart from the thousands of specific instances of torture and cruelty in policing Germany for the benefit of the conspirators, reads like a page from the Devil's notebook.

The GESTAPO and SD fabricated the border incidents which HITLER used as an excuse for attacking Poland.

They murdered approximately 2,000,000 defenseless men, women and children by the infamous Einsatz Groups.

They removed Jews, political leaders and scientists from prisoner of war camps and murdered them.

H1221 - 0084

They took recaptured prisoners of war to concentration camps and murdered some of them.

The GESTAPO established and classified concentration camps and sent millions of people into them for extermination and slave labor.

The GESTAPO cleared Europe of the Jews and was responsible for sending 4,000,000 Jews to their deaths in annihilation camps.

The GESTAPO and SD rounded up hundreds of thousands of citizens of occupied countries and shipped them to Germany for forced labor, and sent slave laborers to labor reformatory camps and concentration camps for disciplining.

They executed captured commandos and paratroopers and protected civilians who lynched Allied flyers.

They took civilians of occupied countries to Germany for secret trial and punishment.

They arrested, tried and punished citizens of occupied territories under special criminal procedures which did not accord them fair trials, and by summary methods.

They murdered or sent to concentration camps the relatives of persons who had allegedly committed crimes.

They ordered the murder of prisoners in SIPO and SD prisons to prevent their release by the Allied armies.

They participated in the seizure and spoliation of public and private property.

They were primary agencies for the persecution of the Jews and of the churches.

In carrying out these crimes the GESTAPO operated as an organization, closely centralized and controlled from Berlin headquarters. Reports were submitted to Berlin and all important decisions emanated from Berlin. The regional offices had only limited power to commit persons to concentration camps. All cases, other than of short duration, had to be submitted

H1221-0085

to Berlin for approval. From 1943 to the end of the war the defendant KALTENBRUNNER was the Chief of the Security Police and SD in Berlin. The GESTAPO was organized on a functional basis. Its principal divisions dealt with the groups and institutions against which it committed the worst crimes,--Jews, churches, communists, liberals, and so forth. Thus, in perpetrating these crimes, the GESTAPO acted as an entity, each section performing its part in the general criminal enterprises ordered by Berlin. The Secret State Police must be held responsible as an organization for the vast crimes in which it participated.

The SD was at all times a department of the SS. Its criminality directly concerns and contributes to the criminality of the SS.

As to the GESTAPO, it is submitted that:

1. The GESTAPO is an organization, in the sense in which that term is used in Article 9 of the Charter.

2. The defendants GOERING and KALTENBRUNNER committed the crimes defined in Article 6 of the Charter in their capacity as members and leaders of the GESTAPO.

3. The GESTAPO, as an organization, participated in and aided the conspiracy which contemplated and involved the commission of the crimes defined in Article 6 of the Charter.

In 1941, on German Police Day, HEYDRICH, the former Chief of the Security Police and the SD, said:

> "Secret State Police, Criminal Police, and SD are still adorned with the furtive and whispered secrecy of a political detective story. In a mixture of fear and shuddering--and yet at home with a certain feeling of security because of their presence,--brutality, inhumanity bordering on the sadistic, and ruthlessness are attributed abroad to the men of this profession."
>
> --Extract from a brochure on Reinhard Heydrich, published in December 1943.

It is submitted that the evidence shows that brutality, inhumanity, sadism, and ruthlessness were characteristic of the GESTAPO and that it was, and should be declared, a criminal

H1221-0086

organization, in accordance with Article 9 of the Charter.

Respectfully submitted,

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Filed Dec. 13, 1945
Int. Mil. Trib.

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INTERNATIONAL MILITARY TRIBUNAL

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TRIAL BRIEF

"AA"

DIE GEHEIME STAATSPOLIZEI (GESTAPO) and DIE SICHERHEITSDIENST (SD)

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H1221-0087